

# Title Examination In Georgia

July 19, 2004

*Presented for:*  
**Lien On Me Title Services**

*Presented by:*  
John Perry Cripe  
*Sole Practitioner*  
Vanessa E. Goggans  
*Morris, Manning & Martin, LLP*

Lorman Education Services  
P.O. Box 509  
Eau Claire, WI 54702-0509  
Phone: 715/833-3940 • Fax: 715/833-3944  
E-mail address: [customerservice@lorman.com](mailto:customerservice@lorman.com)  
Web site: [www.lorman.com](http://www.lorman.com)

**LORMAN**<sup>®</sup>  
**EDUCATION SERVICES**  
A DIVISION OF LORMAN BUSINESS CENTER, INC.

# Title Examination In Georgia

July 19, 2004

Presented for:  
Lien On Me Title Services

Prepared by:  
John Perry Cripe  
Sole Practitioner  
Vanessa E. Goggans  
Morris, Manning & Martin, LLP

© 2004 Lorman Education Services. All Rights Reserved.

*All Rights Reserved. These materials may not be reproduced in any way without the written permission of Lorman Education Services. This publication is designed to provide general information on the seminar topic presented. It is sold with the understanding that the publisher is not engaged in rendering any legal or professional services. Although this manual is prepared by professionals, it should not be used as a substitute for professional services. If legal or other professional advice is required, the services of a professional should be sought.*

*The opinions or viewpoints expressed by the faculty members do not necessarily reflect those of Lorman Education Services. These materials were prepared by the faculty members who are solely responsible for their correctness and appropriateness.*

Lorman Education Services, P.O. Box 509, Eau Claire, WI 54702-0509 • Phone: 715/833-3940 • Fax: 715/833-3944  
E-mail address: [customerservice@lorman.com](mailto:customerservice@lorman.com) • Web site: [www.lorman.com](http://www.lorman.com)

## *Lorman Education Services: A Company with a Reputation for Success*

Thank you for choosing Lorman Education Services for fulfilling your education needs. Did you know Lorman Education Services, a division of Lorman Business Center, Inc, organized its first successful continuing education seminar for professionals in 1987?

Since then, thousands of seminars have provided professionals in the United States and internationally with the latest information on the laws and regulations critical to their organization's successful daily operations. Like you, we understand the need for concise, accurate information.

The faculty for Lorman Education Services seminars are among the leading professionals respected in your area. We take the time to recruit professionals who work daily with the critical issues in your field. We take great pride in making sure each seminar receives our complete attention to ensure both the faculty and participants receive the individualized attention that is necessary to achieve the maximum benefit from their seminar experience.

### **Mission Statement**

To be the national leader in developing and producing the highest quality education seminars.

We will achieve this by:

- Continually striving to improve our level of performance and exceeding all expectations.
- Encouraging a team environment promoting trust, challenge and growth.
- Creating and sustaining a healthy sense of urgency in everything we do.
- Continually extending a professional, friendly, and enthusiastic attitude toward faculty, attendees and among our selves.

We will only accomplish our mission with our most valuable resource...

### ***Our People***

Visit us at our Web site for a schedule and brochures of upcoming seminars in your area.

[www.lorman.com](http://www.lorman.com)

**TITLE EXAMINATION**

- I. THE MECHANICS OF A TITLE SEARCH AND EXAM ..... 3
  - A. How To Conduct A Record Search ..... 3
  - B. How To Examine Documents Of Record ..... 15
  - C. Preparing A Title Report ..... 17
- ATTACHMENTS ..... 23
- II. SURVEY BASICS FOR THE TITLE EXAMINER ..... 33
  - A. Basic Terminology ..... 33
  - B. Understanding Plats Of Survey ..... 34
  - C. Reading Metes And Bounds Descriptions ..... 36
- III. LEGAL ENTITIES AND THE EXECUTION OF DOCUMENTS ..... 41
- IV. ETHICAL CONSIDERATIONS ..... 55

## **THE MECHANICS OF A TITLE SEARCH AND EXAM**

- A. How to Conduct a Record Search
- B. How to Examine Documents of Record
- C. How to Report Your Findings

John Perry Cripe  
Attorney at Law

## I. THE MECHANICS OF A TITLE SEARCH AND EXAM

### A. How to Conduct a Record Search

In order to perform a record search for a tract of real property, you must first have an accurate description of the property to be searched. Ideally, you will be given a copy of the deed vesting title in the current owner and can immediately go to the "record room" to begin your search. This is the office maintained by the Clerk of the Superior Court to house the public real estate records, together with a number of other records which contain information which may affect title to the real property you are examining.

But, before you start tossing books, there are many instruments recorded in the public records in addition to the Warranty Deed you will use to begin your search. And while there are too many to adequately discuss here, there are a few which you will deal with regularly.

The first is the Warranty Deed mentioned above. This is the standard deed of conveyance in Georgia and, although it may be titled "Warranty Deed" at the top of the page, the true test is language near the bottom of the deed that typically reads, "**And the said Grantor will warrant and forever defend the right and title of the above described property unto Grantee and Grantee's heirs and assigns against the claims of all persons whomsoever.**"

A second instrument regularly found is a Quit-Claim Deed. A Quit-Claim Deed does not warrant that the Grantor has title, but states only that the Grantor is conveying to

the Grantee whatever interest he may hold. Thus, while a Quit-Claim Deed may be used to convey property, it has several other functions. For example, it may be used to release Liens and Security Deeds.

Other instruments include Executor's Deeds and Administrator's Deeds. These deeds convey property out of decedent's estates and carry the same reliability as Warranty Deeds.

Security Deeds (or Deeds to Secure Debt) are the typical security instrument used in Georgia to collateralize loans. They are clearly identified on their face and should contain a loan amount and maturity date of the loan together with the description of the property used to secure the loan.

Deeds Under Power of Sale are the unfortunate result of Security Deeds gone bad. When a loan goes into default, the lender (who is the Grantee of the Security Deed) has the option of foreclosing the loan and taking the property used as collateral in order to repay the loan. This is a statutory process which is not covered in this seminar.

Other instruments you will find in your search will include Easements, Affidavits, Materialmen's Liens and Protective or Restrictive Covenants.

Easements are grants of rights to use or travel over the property of the Grantor among other things. They are most often employed to allow utilities to be brought onto the Grantor's property or for permitting access across the Grantor's property to and from property which may otherwise be landlocked.

Affidavits are not conveyances but offer important information about the history of ownership of a particular piece of real property, such as the identity of former owners, lists of heirs or the description of the parcel itself.

Materialmen's Liens, also known as Mechanic's Liens, are used to create a security interest in property upon which a supplier or laborer has provided materials or labor.

Protective or Restrictive Covenants are documents which control or restrict the use of property. They are regularly used in the development of commercial property, condominium projects and residential subdivisions. They may include easements and mandatory membership (including dues) in a homeowner's or condominium association.

Finally, recorded plats of subdivisions or acreage tracts are regularly used to describe real property. A plat is a survey of an entire tract, numerous lots or an entire subdivision combined into a single document. This plat is incorporated by reference into and made a part of the legal description of a particular lot which appears in a deed or other instrument. This practice permits a consistency of legal description from transaction to transaction and reduces the errors inherent in typing a metes and bounds legal description each time a property is conveyed.

Now, assuming that you have been provided with a copy of the vesting deed, you may begin the search process. In the record room, the first index you will need is the "Grantor Index" and "Grantee Index". Sometimes, particularly in the older volumes, these will be identified as the "Direct" and "Reverse" index respectively .

In the vesting deed, from which you will begin your exam, identify the current owner (Grantee) and the party from whom the current owner acquired the property (Grantor). To perform a "textbook" title search, you will begin in the Grantee index on the recording date contained in the current vesting deed, and using the name of the Grantor, search back through the years, scanning down the Grantee column, until you find the name of the Grantor listed as a Grantee. At this point, if the index clearly identifies the subject property as the tract you are examining, you will look in the Grantor column adjacent to your Grantee and note the name of the Grantor, the party from whom your Grantee acquired the property. You should also note the execution date, the recording date and deed book and page number for later reference. Note that in older indices, often times there are no brief property descriptions. In these instances, the examiner will need to look at the instrument itself to confirm whether or not it describes the property being examined.

Having found the prior deed wherein the Grantor in your deed acquired the property and was thus named as the Grantee, begin process over again. Using the name of the Grantor in each deed you find, begin on the recording date and continue to search back through the years until you find that Grantor's name listed as a Grantee. Confirm in the index or by looking at the referenced instrument that you have found the subject property. Now you need only repeat the search process again and again until you find a base deed conveying the subject property that is more than fifty years in the past.

A base deed is a valid conveyance of title more than fifty years old that may be safely relied upon as the beginning point of a title. Instruments that are typically

considered to be a valid point of beginning for a full title search include Warranty Deeds, State Grants (and Crown Grants in some unusual cases), a series of Quit Claim Deeds based upon reasonable proof that they convey full title, conveyances out of a properly probated or administered estate or a properly foreclosed Security Deed.

Having established a base deed for your Chain of Title, you will now begin coming forward in the Grantor Index. Using the name of the Grantee and the date shown in the base deed, begin searching the Grantor Index until you find a conveyance from that party as Grantor to a new Grantee. When you find such a conveyance you have established the first link in the chain of title.

When you have your first link defined, use the name of the Grantee in the that conveyance as the Grantor for the next link and again begin coming forward from the date of the deed searching for a conveyance from that party as a Grantor. Note that the date of the deed is used because, at least theoretically, that is the date upon which the Grantee became a prospective Grantor and thus had a legal right to take action affecting title to the property being searched. Obviously, however, a deed doesn't appear in the Grantor/Grantee Index until it is presented for recording.

By always searching from the execution date of the deed beginning a link through the recording date of the deed completing the link you will never create a gap in your search. Instead, you will have a short overlap of each link which will assure you, again perhaps theoretically, of missing nothing.

You will continue this process of creating links in the chain of title, as you did with the Grantee Index, until you reach the effective date of the most recent recording information in the records of the Clerk of the Superior Court.

During your search for the first link you should also note any other conveyances made by the Grantor with respect to the property, such as Security Deeds, Easements, Materialman's Liens less than a year old, Protective or Restrictive Covenants and Affidavits, until legal title is conveyed. This process of noting entries should be repeated for each succeeding link in the chain of title.

It is these entries that become the list of documents you must examine upon completion of your search to determine whether or not they affect the title to the property you are searching.

When you have created a chain which brings title forward from a valid conveyance more than fifty years old to the effective date of the deed records, you have completed the Grantor/Grantee search. You have not, however, completed the entire title search. There are additional records in the courthouse that contain information that could affect the status of title.

One of the instruments that can affect title is a Uniform Commercial Code Financing Statement. While these instruments are intended to secure loans on non-real estate collateral, because the personal property used as collateral is somehow attached to the real property, the financing statement must be identified and dealt with as part of a title search. The UCC Financing Statement will be filed in the Office of the Clerk of the Superior Court and from there it will be transmitted and maintained in a centralized state

index. That central index may then be accessed by computer from any Superior Court Clerk's Office in Georgia.

After you have searched the Grantor/Grantee Index and the UCC filings the next task is to perform what is commonly referred to as a docket search. Unlike the Grantor/Grantee Index and the UCC filings where the goal was to identify matters which attached to a particular tract of real property, a docket search identifies matters which attach to the title holder or prior title holders during or prior to their term of ownership and as a result, became attached to the real property itself.

As an example, assume five years ago, a prior owner in our chain of title, had been sued because his dog bit a vacuum cleaner salesman who appeared unexpectedly at his front door. If the suit was concluded by a judgment against that owner, a Writ of Fiera Facias (a FiFa in common parlance) would issue and be entered on the G.E.D. This is an acronym for General Execution Docket, the docket where various judgments, tax liens and other enforceable personal obligations are filed and indexed.

Because the judgment becomes a personal obligation enforceable against the owner, it attaches to any real property he owns in the county where it is filed and becomes a lien against that real property much the same as a security deed or materialmen's lien, until it is paid or expires of its own accord.

It is this provision for expiration of matters appearing in the G.E.D. that controls the period of search. In each title search that you perform, you should make a list of each party who was a title holder during the seven years preceding the effective date and search for those names in the docket indices. After seven years, except with respect to

Federal Tax Liens, which require a ten year search, matters in these indices expire unless they are renewed.

As you search the docket, you may terminate your search for any particular prior owner as of the date that party exited the chain of title for the reason that after he conveyed the subject property, he no longer had any ownership interest to which a lien may attach.

The "dockets" is a rather general term which comprises some or all of the following in any given county:

General Execution Docket

Federal Tax Lien Docket *20 year*

U.S. Judgments Docket

Tax FiFa Docket

Attachment Docket

Notice of Commencement Docket

Preliminary Notice of Lien Docket

Motor Vehicle Bonds Docket

Hospital Liens Docket

Suit Docket

Lis Pendens Docket

Water Bill Docket *Fulton*

Miscellaneous Docket

Taxes on real property constitute an encumbrance which should be identified as such in your title search. This search, however, is not performed in the Office of the Clerk of the Superior Court, but in the Office of the Tax Commissioner. The Tax Commissioner will normally be able to identify property by owner name, address or tax parcel identification number. In light of the fact that a party may own more than a single piece of real property in the county or that an address may not cover the entire tract of real property, the best practice is to provide the Tax Commissioner with a Tax Parcel Id. Number. This is a number that can be found in the County Tax Assessor's Office. Using the legal description from your most recent vesting deed, search the tax digest and tax maps until you identify the subject property. The Tax Parcel Id. Number will appear on the map and in the digest. If you are uncertain as to how the number is set out, the Tax Assessor is available to show you which number you should provide to the Tax Commissioner to check taxes.

When you check the taxes, note the last year paid and the amount and date paid. Also ask if there are any delinquencies although, if the Tax Commissioner has accepted a payment there should be nothing delinquent prior to that payment. Also inquire whether there are any tax bills currently issued and due but not yet delinquent. If so, note the amount due and the date upon which they will become delinquent.

Keep in mind as well that the property may fall into more than one tax district, for example a parcel may be subject to both county and city taxation. Ask the tax commissioner if this is the case and if so whether or not the tax bill is combined. If it is not a combined tax bill, a visit to the city tax commissioner will be required.

Finally, a warning: Sometimes taxes which become delinquent are paid by companies that buy tax liens and accept a transfer of the lien. While the tax record may show that a tax bill is paid, if it has been transferred to a third party it remains a lien on the subject property and must be addressed as a part of your report. Fortunately, a tax bill that has become delinquent, gone to Fifa and been purchased and transferred should appear as an entry that you will discover in your docket search.

The issue of estates typically presents itself in one of two ways. In one instance, the appearance of an estate in the chain of title will be obvious when an executor's or administrator's deed is discovered in a title examination. The other instance occurs when a title holder has died and the representative or heirs of the estate have failed to file an executor's or administrator's deed thus creating a break in the chain of title. In either event, the examiner will need to make a visit to the Probate Court in an effort to find the missing link in a chain of title.

If an executor's or administrator's deed was found in the chain of title, the task is fairly straight forward. While the legalities of probate or administration are beyond the scope of this presentation, there are some basic steps that the examiner must take to confirm that the estate was properly probated or administered. For purposes of this discussion, assume that the decedent died testate, that is with a will, and as a resident of the county where the subject property is located. In this instance, locate the will and determine to whom the subject property was devised. The executor will also be identified in the will. When the estate is opened, Letters Testamentary will be issued to the executor granting the powers necessary to represent the estate. Assuming the

executor is empowered to execute an executor's deed conveying the subject property and it has been conveyed by that deed to the beneficiary as set out in the will, the examiner may rely on the conveyance as a valid link in the chain of title.

The second instance, a break in the chain of title, creates a more difficult problem. In such a case, the examiner should check the probate records to determine whether the Grantor he is seeking is deceased and if so, who the beneficiary of his estate might be. The examiner can then return to the Grantor index to see if the beneficiary subsequently conveyed the property. In this instance, the examiner may be able to complete the chain of title and set up the break in the chain of title created by the lack of an executor's deed as an exception in the abstract.

The question this proposition then raises is just how does the examiner span a break in the chain of title if he finds no information in the Probate Court?

Your first and most profitable stop would probably be the county tax assessor's office. In the tax assessor's office you will find a digests listing all the property in the county indexed alphabetically by owner's name, by tax I.D. number and sometimes by street name and number. When you have identified your tax parcel, ask to look at the assessor's tax card for the tract of property you have determined to be the one you wish to examine. One of the pieces of information normally contained in the record is sales information. It should disclose the name of the owner, the date the property was acquired and the deed book and page where the vesting deed is recorded in the Superior Court deed records. If the cards have been regularly maintained for a long period, you may also

find entries identifying prior owners together with their deed references and dates of ownership.

If the tax assessor's information fails to span the break in the chain of title, you might next consult the Plat Index. Recorded plats, particularly newer ones, usually have a certification somewhere on them made by the owner. If the owner of the property is identified, find the date of the plat and grantor back in an effort to locate the deed wherein he acquired the tract. With older plats, the subdivision names shown are often the names of the owner, for example a tract might be identified as "Subdivision of the Estate of B.B. Black". Because the plats are dated and also have a recording date, you are provided with a prospective title holder and a date some years into the past from which you can again pick up your grantee or grantor index search.

During the development of a subdivision or commercial property, a recent conveyance of the development tract by a Warranty Deed or Security Deed may include what are referred to as "Permitted Exceptions". The Permitted Exceptions list older matters which affect title. The examiner may be able to use some of these matters to identify former owners of the tract being examined and thus span a break in the chain of title.

From time to time, ownership of piece of property will be sufficiently unclear that a closing attorney will prepare Affidavits of Possession that offer some history of title. While these are not title reports, they may provide the names of former owners and their approximate dates of ownership.

By the same token, Affidavits of Descent may offer the examiner the names of parents, grand-parents and great grand-parents who have owned a particular tract of property for several generations.

#### **B. How to Examine Documents of Record**

In addition to confirming the accuracy of the legal description which occurs as a element of building the chain of title, documents must also be examined for other prerequisites to their validity. The most easily identifiable missing item is, of course, when an entire deed is found missing from the chain of title thus creating a break in the chain. But there are other missing items that, while less obvious, create equally difficult problems. When reviewing documents in the chain of title, there are a number of elements which should be should be checked as a matter of course. Basically, there must be a Grantor, a Grantee, a legal description, execution by the Grantor and witnessing. While there are other legal requirements in a deed, in most cases, they are included in pre-printed clauses, consideration for example, and do not need to be checked in a residential title examination. If the instrument is not a pre-printed form the examiner should take greater care examining the instrument.

First, confirm that the document was executed by the named grantor. Variations in names are acceptable up to a point, a point which is reasonably well explained in the State Bar of Georgia Title Standards. However, if the signature on the deed is entirely different from that of the named grantor, the difference should be investigated and set out as an exception in the title report. If the signatory is the attorney in fact for the grantor, there should be a recorded power of attorney evidencing that fact. In the case of a

corporate grantor, check to see that there is a signature, together with the indication of the title of the executing officer and that the corporate seal is affixed to the document. It is also acceptable for two officers to sign and indicate their respective corporate offices. In such a case the corporate seal is not required. There are, of course, numerous other entities which may be grantors in deeds, for example, trusts, partnerships, limited liability companies to name just a few. It is important that the title examiner know how each of these grantors must execute deeds. These requirements are set out by Georgia statute. Short of examining the Official Code of Georgia, the practice manual entitled, Georgia Real Estate Title Examinations and Closings by Daniel F. Hinkel is an excellent reference.

A second element required in a deed or other recordable real estate document is that it be properly witnessed. Basically, to be in recordable form there must be two witnesses, one of which must be a notary public. The witnesses may not be parties to the instrument. In addition, be certain that the notary public has affixed his seal and that the notary's term has not expired.

Of course, the instrument must contain a legal description of the property being conveyed. Assuming that the deed or other instrument contains a legal description, it is for the title examiner to determine that the subject property is the same as or is included within the bounds of the property described within the instrument. That determination having been made, the legal description should be carefully reviewed to confirm that the legal description is accurate.

When the search of the public records is completed, it is during the examination of the documents discovered that exceptions to title, other than breaks in the chain itself, are identified. At this point the examiner notes in his run sheet any loans which are still open, any easements or other rights of use which have not been terminated, any restrictions which have not expired, recorded plats which are referenced in the legal description and other such matters. An examination of other documents, which would not otherwise be exceptions, may still become exceptions if they contain errors that affect the validity of document. For example, a warranty deed in the chain of title which normally is simply a link becomes an exception if there is an error in the legal description or it is not properly executed or witnessed. By the same token, instruments which would otherwise be exceptions, may have expired due to some statutory or built-in time limitation. The most common example of such a case is a materialman's lien which may be filed for labor or materials provided to a property but must be foreclosed within a year from the last date labor or materials were provided or the right to enforce the lien expires.

When the examiner has identified matters which will be listed as exceptions to title, it is time to prepare a formal report or certificate of title for the benefit of the client.

### **C. Preparing a Title Report**

Having completed your search of title and examination of documents, you now have the information necessary to prepare your findings in a format which is clear to the recipient. In Georgia, that presentation usually takes the form of a title report or title certificate. While these two terms may offer the same information in virtually the same form, they are not interchangeable.

The difficulty arises from the definition of the "practice of law" as it has been codified over the years from state to state. In Georgia, offering legal opinions, including opinions regarding title to real estate, is considered to be the practice of law. For this reason, only attorneys licensed to practice law in Georgia may offer such opinions or certificates of title. Because the unauthorized practice of law is illegal in Georgia, a lay title examiner should be careful to learn what constitutes the practice of law and avoid issuing any reports that might be considered to be legal opinions.

Following this section of the presentation are examples to two title certificates that might be used to arrange the issuance of title insurance. While these forms suggest use by an attorney, they may be modified so as to be used by a non-attorney examiner as well.

The first is a preliminary certificate which is used to set out exceptions which will remain in a policy and a series of requirements which list the exceptions which must be cleared in one way or another before a title insurance policy will be issued.

The second is a final certificate and is used to update the preliminary certificate and certify that the requirements of that earlier certificate were met.

These certificates are typical and contain the usual elements however their form and contents are not cast in concrete. These or any form of certificate may be changed to meet the needs of the title examiner using them. Only when the form of certificate is prescribed by the entity relying on it must the examiner use any particular form.

In reviewing various forms of a title certificates or reports, you will notice that there are several items common to all forms. The report will identify the party in whom

the title to the subject real property is vested and set out the legal description of the real property to which the report applies. The report should also disclose the date through which the public records searched were effective. If the abstract is a limited search, the report should also disclose the date upon which the period of the search was begun. It is also prudent to address your findings to your client thus limiting the number of individuals or entities who may rely upon the findings in the abstract.

A typical title report will contain a number of standard exceptions to title. These are general exceptions that a title examiner will take with respect to every title that he or she searches. For example, the title report will except to matters created or recorded subsequent to the effective date of the report. Another standard exception is to matters such as easements or rights of possession not shown by the public record. Matters which would be disclosed only by a survey and matters which are not properly indexed on the public records are also usual standard exceptions. This is not however a complete list and should be modified by every title examiner to reflect the custom of the jurisdiction in which he or she works.

A standard exception, for instance, may also be taken to matters which are not typically examined in a particular county. Such a matter would be mineral rights or reservations. These rights affect title to a piece of property but may be of significance only in counties where valuable minerals are known to exist. Or mineral rights may be of only historical importance and no longer examined as a matter of course. Another matter which is not normally the subject of a title examination is zoning and thus a standard exception excluding such matters from the purview of a report should be taken.

After the standard exceptions have been set out in the report, the special exceptions are listed. These are the exceptions that the examiner discovered during the search that affect only the subject property. These should be disclosed with greater specificity because the recipient of the abstract will need sufficient information to determine whether the exception should be cleared or is of only minor significance. It is here in the special exceptions that the examiner will list findings made in the Grantor Index, the UCC Index, in the Tax Commissioner's Office and all of the various docket mentioned earlier in this discussion.

The most common special exception is one taken for Security Deeds which are recorded evidence of loans secured by the subject property. A typical exception might read, "Security Deed from B.B. Black to Acme National Bank in the original principal amount of \$50,000 with a final maturity date of May 31, 2030 dated April 1, 2000 and recorded April 1, 2000 in Deed Book 555, Page 101, Lumpkin County records." Usually the client will also ask to be provided with a copy of the Security Deed or any other exception set out in the abstract. For this reason, the examiner may shorten the exception to include just enough information to identify the document copy to which the title report refers.

Other common exceptions that usually require some action by the recipient of the report are materialman's liens, judgment fifa's, Federal Tax Liens, UCC financing statements and open property tax bills. Because all of these have a potential financial impact on the title to the property they, like security deeds, must be addressed by the

person requesting the report and for that reason the exceptions should provide all the information needed to deal with them.

Another common exception is taken for various types of easements which affect the property. These easements are most often granted to utility companies to bring utility services to or through the subject property. There are, however, easements for access, encroachment easements and easements for various kinds of use. Whereas the action most often taken with respect to security deeds and other exceptions with financial impact is to have them paid off as a part of the real estate closing which precipitated the title exam, easements are normally acknowledged, but otherwise ignored. Occasionally, however, the decision will be made to seek a containment letter limiting the easement to its existing location or use.

Other examples of exceptions that are set up in the title report but not typically acted upon are covenants and restrictions, subdivision plats, boundary line agreements and joint driveway agreements. Because, in most cases, no attempt is made to clear this type of exception, the examiner may choose to set it out in a somewhat abbreviated form. It is still good practice, however, to provide a photocopy of the exception.

Ultimately, it is paramount that the title report should disclose all matters of record which affect the subject property. At any point, if the examiner is uncertain as to whether an exception affects the property the proper action is to include it in the report or certificate of title. If any questions are raised regarding such exceptions, further research will usually resolve the question, but the client should have the opportunity to address the issue.

## Preliminary Certificate of Title

To:

From:

Re:

The undersigned having examined the title to the property described in Exhibit "A" hereof, certifies that the Fee Simple Interest to said premises is on this date vested of record in:

\_\_\_\_\_

by Virtue of that certain \_\_\_\_\_ Deed recorded in Deed Book \_\_\_\_\_,  
Page, \_\_\_\_\_, \_\_\_\_\_ County, Georgia records.

Subject only to the liens and encumbrances, charges and/or objections set forth in the Schedules attached hereto hereof. This Certificate of Title is limited to matters of record and documents reviewed subsequent to \_\_\_\_\_ and have an effective date of \_\_\_\_\_.

This Certificate of Title is intended for the benefit and sole use of \_\_\_\_\_ and only in the event of issuance of a commitment(s), policy(s), endorsement(s) and/or Certificate or Letter of Title by \_\_\_\_\_

Certified this, \_\_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Agent/Approved Attorney

This certificate is to be signed by the Agent/Approved Attorney or an individual under his or her direct supervision who is authorized to bind the Agent/Approved Attorney with regard to all certifications made herein.

## SCHEDULE "A"

### STANDARD EXCEPTIONS:

All questions with respect to the following matters are expressly excepted from this certificate, and this certificate is limited to the names of married women as they appear in the chain of title and as furnished to examiner:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public record or attaching, subsequent to the effective date hereof.
2. Matters not disclosed by the public records including but not limited to:
  - a. Rights or claims of parties in possession,
  - b. Easements or claims of easements,
  - c. Any lien or right to a lien for services, labor or material furnished or hereafter furnished and imposed by law,
  - d. Title to items of personalty used in connection with or attached to the realty,
  - e. Title to that portion of the premises if any, within the bounds of any road, easement or right-of-way
3. Matters affecting title which are indexed in the public records in such a manner that a reasonably prudent search would not have revealed them to the examiner.
4. Variations in metes and bounds descriptions or in recorded plats appearing in the chain of title which, in the opinion of the undersigned, do not materially affect the use or value of the property.
5. Encroachments, overlaps, easements, overhangs, boundary line disputes or other matters which would be disclosed by an accurate survey and inspection of the premises or which, in the opinion of the undersigned, do not materially affect the use or value of the property.
6. Outstanding or unencumbered mineral rights or reservations.
7. All zoning laws, ordinances or regulations, municipal or county and all governmental regulations of the use and occupancy of the premises described including the regulations or condemnation of the land or any structure thereon.
8. Any consumer credit protection, "truth-in-lending" or similar laws.
9. Any forfeiture of title under the R.I.C.O. statutes or similar laws.
10. Any liens filed under provisions of Federal or State environmental protection laws, superfund legislation or similar laws.
11. Rights of upper and lower riparian owners in and to the waters of creeks or branches crossing or adjoining the property, and the natural flow thereof, free from diminution and pollution.

Special Exceptions:

The following special exceptions may be removed from any policy of title insurance issued in reliance upon this Certificate of Title if the required action, as set out herein, is taken to satisfy the exception.

1.

Requirements for Removal:

2.

Requirements for Removal:

3.

Requirements for Removal:

4.

Requirements for Removal:

5.

Requirements for Removal:

Special Exceptions (Cont.):

The following special exceptions may **NOT** be removed from any policy of title insurance issued in reliance upon this Certificate of Title:

1.

2.

3.

4.

5.

## Final Certificate of Title

To:

From:

Re:

The undersigned having examined the title to the property described in Exhibit "A" hereof, certifies that the Fee Simple Interest to said premises is on this date vested of record in:

\_\_\_\_\_

by virtue of that certain \_\_\_\_\_ Deed recorded in Deed Book \_\_\_\_\_,  
Page, \_\_\_\_\_, \_\_\_\_\_ County, Georgia records.

Subject only to the liens and encumbrances, charges and/or objections set forth in the Schedules attached hereto hereof. This Certificate of Title is limited to matters of record and documents reviewed subsequent to \_\_\_\_\_ and have an effective date of \_\_\_\_\_.

This Certificate of Title is intended for the benefit and sole use of \_\_\_\_\_  
and only in the event of issuance of a commitment(s), policy(s), endorsement(s) and/or  
Certificate or Letter of Title by \_\_\_\_\_

Certified this, \_\_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Agent/Approved Attorney

This certificate is to be signed by the Agent/Approved Attorney or an individual under his or her direct supervision who is authorized to bind the Agent/Approved Attorney with regard to the certifications made herein.

SCHEDULE "A"

STANDARD EXCEPTIONS:

All questions with respect to the following matters are expressly excepted from this certificate, and this certificate is limited to the names of married women as they appear in the chain of title and as furnished to examiner:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public record or attaching, subsequent to the effective date hereof.
2. Matters not disclosed by the public records including but not limited to:
  - a. Rights or claims of parties in possession,
  - b. Easements or claims of easements,
  - c. Any lien or right to a lien for services, labor or material furnished or hereafter furnished and imposed by law,
  - d. Title to items of personalty used in connection with or attached to the realty,
  - e. Title to that portion of the premises if any, within the bounds of any road, easement or right-of-way
3. Matters affecting title which are indexed in the public records in such a manner that a reasonably prudent search would not have revealed them to the examiner.
4. Variations in metes and bounds descriptions or in recorded plats appearing in the chain of title which, in the opinion of the undersigned, do not materially affect the use or value of the property.
5. Encroachments, overlaps, easements, overhangs, boundary line disputes or other matters which would be disclosed by an accurate survey and inspection of the premises or which, in the opinion of the undersigned, do not materially affect the use or value of the property.
6. Outstanding or unforeclosed mineral rights or reservations.
7. All zoning laws, ordinances or regulations, municipal or county and all governmental regulations of the use and occupancy of the premises described including the regulations or condemnation of the land or any structure thereon.
8. Any consumer credit protection, "truth-in-lending" or similar laws.
9. Any forfeiture of title under the R.I.C.O. statutes or similar laws.
10. Any liens filed under provisions of Federal or State environmental protection laws, superfund legislation or similar laws.
11. Rights of upper and lower riparian owners in and to the waters of creeks or branches crossing or adjoining the property, and the natural flow thereof, free from diminution and pollution.

Special Exceptions:

The following special exceptions **MUST** appear in any policy of title insurance issued in reliance upon this Certificate of Title:

1.

2.

3.

4.

5.

## II. SURVEY BASICS FOR THE TITLE EXAMINER

- A. Basic Terminology
- B. Understanding Plats of Survey
- C. Reading Metes and Bounds Descriptions

John Perry Cripe  
Attorney at Law

## II. SURVEY BASICS FOR THE TITLE EXAMINER

### A. Basic Terminology

Surveys, have over the years, been a source of consternation for title examiners. The reason for this is that surveys are an invaluable tool for the title examiner and yet you have probably discovered by now that typically, when following the course of study that led you into this field of real estate, no education regarding surveys was offered except the observation that they exist.

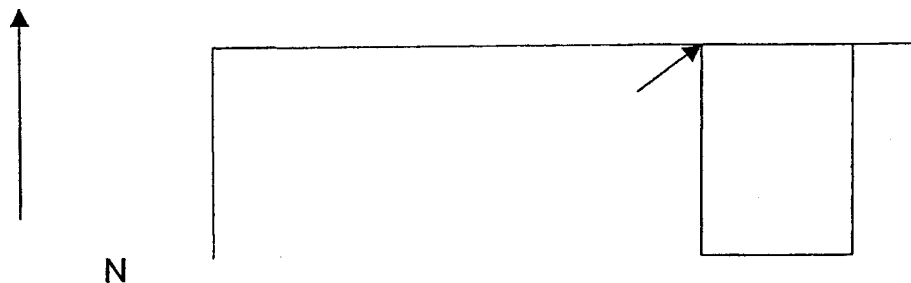
Knowing that they exist is, unfortunately, is not quite a sufficient enough education to allow the effective use of a survey. It is, therefore, particularly valuable to a title examiner to add to that meager education. Equipped with an understanding of how a survey is reduced to text and vice-versa a title examiner will be able to read a metes and bounds legal and draw a reasonable depiction of the property in question. And while such a hand drawn picture of the property will obviously be crude in its execution, it will be surprisingly worthwhile when searching a title.

But before you can prepare your drawing you must first understand the terminology of a survey. The lines of a survey are drawn relative to magnetic north so when examining a survey, find the **North Arrow** and lay out the survey with the north arrow up or away from you as the viewer. To find your way around the survey you next need to find a **Beginning Point**. This is a point on the boundary of the surveyed property that is tied to a known and permanently established **Monument** that is used to locate the subject property with certainty. Monuments may be street right-of-way intersections,

land lot corners, Department of Transportation Benchmarks or any other permanent point. The less permanent, the less reliable a monument is. For example, a large tree might work for a couple of generations but eventually it will die, the monument will be lost and with it goes the ability to find the beginning point on an older survey. Interestingly enough, the same dilemma may arise when street intersections are used as monuments. If streets have been widened since a survey was prepared, the examiner will have to determine how much wider the street has become. Of course, if a street is relocated you are faced with the dead tree problem.

#### B. Understanding Plats of Survey

Assuming a permanent monument is used and a beginning point is identified, a typical beginning point reference might read, "Beginning at a point on the north right-of-way of Elm Street 250 feet easterly along the north right-of-way of Elm Street from the intersection of the north right-of-way of Elm Street and the East right-of-way of Chestnut Street, run thence ....." The text of the legal would be depicted as follows:



In most cases, the width of the right-of-way of the streets is noted on the survey. If the streets have been widened, these references allow the examiner to adjust for the changes.

After you have reached the beginning point you still have to find your way around the survey. Along the way you will encounter some more basic terminology. For example, you will find reference to many other **Corners**, points where the straight boundary lines intersect. The corners may be unmarked on the ground and are referred to as **Points** or physically marked on the ground and identified in the survey in several ways. One type of mark is an **Iron Pin** which is literally a metal rod driven into the ground. The pin may be identified as an **IPF (Iron Pin Found)** or an **IPS (Iron Pin Set)**. An **IPF** is a pin found by the surveyor and which has been in place for some period of time before the surveyor made his survey. An **IPS** is a pin driven into the ground at the time of the survey and at a point calculated by the surveyor. These pins may also be known as an **IPP (Iron Pin Placed)**.

When you travel from one point or iron pin to the next you have run along a **Call**. The call is described in terms of its **Course** and **Distance**. The course is the direction in degrees, minutes and seconds that you are traveling and the distance is the length of the call.

Succeeding courses and distances will be shown until you arrive once again at the point of beginning. Unfortunately, the calls will not always be straight lines. When the line is a consistent curve, it is measured along the arc of the curve from one point to the next. This **Arc Distance** is then supplemented by a straight line measured between the same points. This is the **Chord Distance** and whereas the arc, because of its curvature, cannot be assigned a course, the chord will be given a course. The arc distance will

always be a little longer than the chord; proof of the adage that the shortest distance between two points is a straight line.

From time to time the curves and bends in the boundary line are so undulating, as when the property line follows a stream, a line called a **Traverse Line** is created which generally parallels, but is off-set from, the course of the stream. After the survey is drawn, a metes and bounds legal description may be prepared noting that the line is a traverse line and that the boundary line itself follows the meanderings of the stream.

### **C. Reading Metes and Bounds Descriptions**

With a basic understanding of the manner of depicting items on a survey, you may begin "reading" the surveyed boundary of the property. The most common manner of depicting a line is to draw it and show its course and distance. Briefly, the course is the direction the line travels and the distance is, obviously, the length of the line.

The course is stated as its number of degrees of deflection to the east or west from north or south. If, for example, the first line from the beginning point runs to the northeast, the course might read, "North 45 degrees 00 minutes 00 seconds East." What this means is that the line, rather than running due north, is deflected 45 degrees east of due north. The deflection is never more than 89 degrees. If it reaches 90 degrees the course is due east or due west. If the deflection is more than 90 degrees from north, the deflection would then be less than 90 degrees off due south and the course will be calculated by its deviation from south. Note also that degrees may be divided further into minutes and minutes into seconds. This precision is only found in more recent surveys due to advances in surveying equipment.

While the above discussion may at first glance seem rather complex, a second glance from a slightly altered viewpoint will make it more clear. Reconsider the previous paragraph but instead of a compass, visualize a clock face. And if you visualize the face of a standard clock rather than that of a digital clock the visualization will become even more enlightening. If you assume that north is at 12:00 o'clock and south is at 6:00 o'clock on the dial, east would then be at 3:00 o'clock and west would be at 9:00 o'clock. The angle between each of those cardinal directions is 90 degrees on a compass and 15 minutes on the clock dial. Using the minute hand as the course pointer, consider again that the course set in the paragraph above is "North 45 degrees 00 minutes 00 seconds East". Because that is half-way between north and east, it is the same position as a minute hand that points to approximately 7 minutes after the hour. And, therefore, a course of "North 45 degrees 00 minutes 00 seconds West" would have the minute hand pointing approximately 7 minutes before the hour. By the same token, a course of "South 22 degrees 00 minutes 00 seconds West" points the minute hand to the 9:00 o'clock side of the 6:00 o'clock mark (the half-hour) on the clock face, but not so far as 7 minutes (which is 45 degrees). Rather, the minute hand in such a case would point to about 4 minutes past the half-hour. In each of the above examples, the minute hand points in the approximate direction of the course stated.

If you consider that 5 minutes on a clock face is 30 degrees on a compass and that each minute is 6 degrees, you can visualize the approximate direction of each course by calculating how many minutes before or after the hour or half-hour any given course may

be. Soon, however, you will discover that it is equally straight-forward to calculate courses using degrees of the compass.

Distance is more simple. It is measured in feet and tenths or even thousandths of feet in recent surveys. In older surveys the examiner may find rods (16.5 feet) or chains (66 feet) which are made up of 100 links of .66 feet each.

Other information shown on a survey, which is stated in the metes and bounds legal description includes the county where the property is located, the land lot, the land district and, sometimes, the address and quantity of property. While county, land lot and district are determinative of a boundary, address and quantity of land are informational. Addresses may change and quantity (generally an acreage calculation) lends no information as to where the boundaries of the property may be.

A more in depth discussion of surveys would be more complex and technical than is appropriate to this presentation. If there are critical survey issues, a title examiner is well advised to contact a professional surveyor for the benefit of his client.

Legal Entities and the Execution of Documents

by

Vanessa E. Goggans, Esq.

Morris, Manning & Martin, a limited liability partnership

Atlanta, Georgia

## Legal Entities and the Execution of Documents

When examining title coming out of an entity other than an individual person, title examiners should ask several questions: Is the person who signed the conveyance instrument authorized to do so? Does the instrument chosen effect that purpose? Does the instrument give constructive notice of the conveyance (is it in recordable form)? In order to answer these questions, it is helpful for the title examiner to have an understanding as to the nature of the entity and how it is created. Most questions about the guidelines for execution of documents can be answered either in the Georgia Title Standards, title insurance company underwriting manuals or the Official Code of Georgia Annotated.

## General Requirements for Execution of Real Estate Documents

### Recordable Documents and the Requirement of a Seal.

The purpose of affixing a seal to a document is to extend the statute of limitations for an action on a written instrument from six years to twenty years. Instruments of conveyance are executed under seal in order to give a grantee a longer time to enforce any warranties given in the deed. When a grantor is signing a deed there is no requirement of an actual embossed seal, but there does need to be a recital within the body of the instrument that the instrument is being signed under seal, and the words

“Seal” or “L.S.” should follow the grantor’s name in the signature block of the instrument. When a corporation is the grantor, an actual corporate seal may be affixed to the instrument, as described in more detail below.

In order for a document to be in recordable form in Georgia, a document must be signed in the presence of two witnesses and a notary public. A notary can act as a witness if he or she attests the document, but a simple notary acknowledgement does not satisfy the requirement of a witness since it does not state that the notary actually saw the act of signing. Beware of deeds executed in other states, where the notary attaches a separate notary acknowledgment and does not sign in the witness section of the deed. In these circumstances, the deed will need to be signed in the presence of two separate witnesses in addition to the notary.

### **Affidavits**

Affidavits are often used to clarify matters of title. Affidavits are statements made under oath and attested by a notary. When an individual signs an affidavit it must be clear to him or her that the document is a sworn statement. [While it is not necessary to make the individual raise his or her right hand and take an oath, it is important that some reference be made by the attorney to the borrower’s act of swearing in order for the document to qualify as an affidavit.]

*Must have  
a Notary  
sign.*

When a corporate officer is swearing as to his or her knowledge of the corporation, the officer must sign in his individual capacity, not as a corporate officer. This is because only a person is capable of swearing. Adding a reference in the signature block to the deponent's corporate capacity indicates that the corporation is trying to swear, rendering the document useless.

### **Requirements for Execution of Documents by Specific Entities**

#### **Sole Proprietorships**

A sole proprietorship is a business "owned and controlled exclusively by one person," i.e., not incorporated.<sup>1</sup> Title to any property held by this type of business would really, then, be held in the name of the individual business owner, not the business itself ("John Smith d/b/a/ Smith Enterprises," for example). These business owners will sometimes sign documents as officers of the business, but real estate practitioners need to recognize that sole proprietorships are not legally recognized entities for purposes of conveyancing.

#### **Partnerships and Limited Partnerships**

Under the Uniform Partnership Act, which was adopted by the State of Georgia in 1985, a partnership is "an association of two or more persons to carry on as co-owners of a business for profit." Partnerships in Georgia may hold title under the name of the

---

<sup>1</sup> BLACK'S LAW DICTIONARY 1098 (5<sup>th</sup> ed. 1979).

partnership or under the name of the individual partners as co-tenants. If the property was acquired under the name of the partnership, however, it must be conveyed out in the same manner.

In order to determine who is authorized to sign on behalf of a partnership, one must review the partnership agreement signed by all the partners. All of the partners must execute the conveyance documents unless the partnership agreement says otherwise. When signing conveyance documents they should include their title as partner behind their signature.

Limited partnerships are distinguished from general partnerships in that some of the partners have limited liability. The partnership is comprised of one or more limited partners and one or more general partners. Authority to sign documents can depend on when the partnership was formed.

Georgia has adopted the Georgia Revised Uniform Limited Partnership Act ("GRULPA")<sup>2</sup>, which describes limited partnerships, although this law is binding only on those partnerships formed on or after July 1, 1988, or those that have specifically submitted themselves to the Act. Any other limited partnership falls under either O.C.G.A. Sections 14-9A-110 through -130 (those formed prior to February 5, 1952 that have not elected to be governed under another statute) or O.C.G.A. Sections 14-9A-1

---

<sup>2</sup> O.C.G.A. §§ 14-9-100 through 1204.

through 99 (those formed after 1942 and prior to July 1, 1988 that have not elected to be governed under GRULPA).

General partners manage most of the business affairs of a limited partnership. They have the authority to bind the limited partnership, and their liability for the obligations of the partnership extends to assets owned by them individually. Limited partners, on the other hand, have limited liability. Their liability extends only to what they have invested in the partnership.

If the limited partnership is covered under GRULPA, then a general partner may be presumed to have authority to sign a conveyance instrument, absent evidence to the contrary in the partnership agreement. If the limited partnership is formed under one of the other statutes, however, the title examiner may need to look for evidence of consent of the limited partners if it is possible that the conveyance would make it impossible to carry on the business of the partnership.

Because partnerships and limited partnerships are not corporations, there is no requirement of a corporate seal in a conveyance document given by them. [However, there should still be a recitation in the deed that the document is conveyed under seal, along with the word "Seal" or "L.S." after the partner's signature.]

#### **Limited Liability Companies ("LLC's")**

Contrary to popular belief, an LLC is not a corporation, though like corporations they are entities created by statute. In order to determine who is authorized to sign on behalf of an LLC, one must review the Articles of Organization filed with the Secretary of State's office.

The Articles of Organization will describe whether the LLC is "member-managed" or "manager-managed." If the Articles of Organization do not specifically say that the LLC is manager-managed, then it is member-managed, and any member of the LLC may bind the LLC. If the LLC is manager-managed, then only a manager may bind the LLC.

Because LLC's are not corporations, there is no requirement of a corporate seal in a conveyance document given by an LLC. However, there should still be a recitation in the deed that the document is conveyed under seal, along with the word "Seal" or "L.S." after the member or manager's signature.

### **Corporations**

Corporations are legal entities created under state law. Their official acts are governed by corporate charters, Articles of Incorporation and By-Laws and are carried out by their officers. A corporation, under state law, does have the authority to hold and convey real property.

In order to determine whether or not a corporation can convey a piece of property, one should verify with the Secretary of State's office whether or not the corporation is in good standing. The Articles of Incorporation and a corporate resolution should also be examined for evidence of who may convey the property on behalf of the corporation. Deeds may be executed in the name of the corporation by corporate officers, agents or attorneys-in-fact as long as the appropriate documentation or statute establishing their authority exists.

A deed executed by a corporate officer does not necessarily need to contain the corporate seal for a title examiner to presume the authority of the officer who signed the deed. Standard 9.2 of the Georgia Title Standards provides that:

When a corporate instrument is either (i) executed by a corporate officer, that person's signature is attested by the secretary or assistant secretary (or other officer authorized to authenticate corporate records), and the corporate seal or a facsimile thereof is affixed, or (ii) executed by the president or vice president and that person's signature is attested by the secretary or assistant secretary (or other officer authorized to authenticate corporate records), a title examiner may assume that the officer executing the documents in fact holds the position indicated, that such person is

*2 sign or  
1 sign &  
seal*

authorized to execute the document, and that the officer's signature is genuine.

### **Trusts and Estates**

A trust is "a right of property, real or personal, held by one party for the benefit of another."<sup>3</sup> A trust cannot hold title in the state of Georgia, but a trustee can hold title on behalf of a trust. When examining a deed conveying property out of a trust, it is important to determine that the person signing the deed had the authority to do so. The trustee's deed should contain a recital as to the trustee's authority to convey the property as well as a reference to the instrument that created the trust.

The trust document will reveal who has the authority to convey on behalf of the trust (the trustee). If the trust is an inter vivos trust (created while the settlor is living), then the trust agreement or declaration of trust should be examined. If it is a testamentary trust (created upon the death of the settlor), then the examiner should review the will that created the trust. Trusts may also be created by deed or contract.

Title attorneys should examine the instrument that created the trust in order to determine whether or not the trust has the power to sell, lease or encumber the property. No sale or encumbrance of a property by a trustee is valid unless the trust or a superior court order authorizes it.

---

<sup>3</sup> BLACK'S LAW DICTIONARY 1352 (5<sup>th</sup> ed. 1979).

As for estates, if a person in whom title is vested is deceased and there is no tenancy with rights of survivorship contained in his or her deed, one must first look for evidence of probate or administration of the deceased's estate. If there is a probated will with letters testamentary naming an executor and giving the executor the power to sell, the examiner should then look to the will to determine the disposition of the property. There should be a recital evidencing the executor's authority in the Executor's deed.

When there is no will but the estate has been administered, the title attorney should look to the letters of administration to determine the identity of the administrator and whether or not he had leave to sell. There should be a recital evidencing the Administrator's authority in the Administrator's deed.

If there has been no probate or administration, the disposition of the property will depend upon the length of time that has transpired since the decedent's death. Evidence of a grantor's authority to convey the property may be obtained from an affidavit of descent and/or court order. The conveyance document from the heirs of the decedent would need to comply with the aforementioned general execution requirements and should contain a recital as to their authority to convey the property.

#### **Miscellaneous Entities**

Other entities which frequently convey property include churches and religious associations, other unincorporated associations, and dissolved business entities.

Churches and religious associations may exist as incorporated or unincorporated institutions, however incorporation is generally required for a religious institution to hold title to land. O.C.G.A. §14-5-46, however, validates any such conveyance for the purpose contained in the deed if it was for the purpose of erecting churches or meeting houses, subject to the mode of government or rules of discipline of that religious entity.

Once ownership by the religious institution is established, proper execution of a deed out of that institution will depend on the nature of the institution. A congregational association is governed solely by its own members who may authorize the conveyance. A hierarchical church will be governed by a "parent," or supervisory entity whose consent is required. In either event, authority to convey will also depend in large part upon the internal rules of the church or parent institution. These rules may require consent of the majority of the members, approval by a council, etc. Additionally, when the entity is incorporated, the rules of corporate conveyance will apply.

Other unincorporated associations may include fraternal orders, joint ventures and unincorporated social or charitable associations. Under O.C.G.A. § 14-5-49 conveyances in to and out of social, charitable, fraternal, Masonic and secret societies are treated in the

same way as conveyances to unincorporated churches. Joint ventures are treated in the same way as partnerships (see supra).

Deeds out of dissolved business entities such as dissolved partnerships, corporations and LLC's may be executed by the same individuals authorized to execute these documents while the entity was still in business. Statutes specifically authorize these conveyances for the purpose of wrapping up the entity's affairs.

#### **Conclusion**

In most cases guidelines for the execution of documents by entities are clearly stated by statute or the Georgia Title Standards. Clarification of these rules and standards may often be obtained in title insurance company underwriting manuals. However, when the guidelines are not so clear, and the transaction is being insured by a title insurance company, care should be taken to consult with their underwriting counsel so that they make an appropriate judgment call.

## Ethical Considerations

by

Vanessa E. Goggans, Esq. and Machel Redmond, Esq.

Morris, Manning & Martin, a limited liability partnership

Atlanta, Georgia

## Ethical Considerations in the Practice of Residential Real Estate Law

### **Introduction.**

Ethical conduct is defined as that behavior which is “in accordance with the accepted principles of right and wrong which govern a profession.”<sup>1</sup> In general, ethical issues for lawyers are addressed in the Georgia Rules of Professional Conduct, but there are some that deserve extra emphasis in the context of real estate practice. These issues include loyalty to clients, conflicts of interest, unauthorized practice of law, and the duties of honesty and integrity.

### **Identifying the client.**

In most residential real estate transactions, the closing attorney represents the lender, yet the public, and sometimes even the attorney, often suffers from tremendous confusion as to the nature of that representation. Certainly there is not a closing attorney among us who has not heard the question, “if you represent the lender, why am I paying the fee.” Each lawyer has his or her own practiced response to this question, but it is a fair question since Georgia is a state where traditionally only one lawyer is present at a residential closing.

---

<sup>1</sup> AMERICAN HERITAGE DICTIONARY 467 (2<sup>nd</sup> College ed. 1985).

Other than the closing attorney, a representative from the lending institution is seldom present for the closing, yet the other parties to the transaction often do not look at the closing attorney as a lending representative, but as a facilitator of the process as a whole. Buyers, real estate agents and sellers may even rely on the closing attorney as their ally in getting what they want from the lender, and not the other way around. It is arguably in the lender's best interests for the attorney to act as the deal facilitator, because if the parties cannot agree on the deal, no one gets paid. Closing attorneys should be aware of the temptation to become too focused on this facilitator role, however, and of being tempted to make the people at the table happy at the expense of the lender.

In many instances the lender client has no role in even choosing the closing attorney. For purchase closings the lawyer's engagement is frequently a result of the real estate agent, seller or buyer's personal preference for a particular lawyer to close the deal. The closing attorney is often specified in the sales contract before the loan application is even signed. In refinance situations, Georgia law gives the lender great incentive to have the borrower specify the closing attorney. Because their business is not always obtained directly from the lender, residential real estate lawyers may sometimes forget who the real client is.

For example, one request often made by borrowers is for the lawyer to prepare a deed conveying a portion of the property to another party, which violates the so-called "due-on-sale" clause contained in the security deed. The "due-on-sale" clause prohibits

the borrower from transferring any portion of the property described in the security deed without the lender's consent. Exceptions to this restriction are provided for under the Garn-St. Germain Act, but while the Garn-St. Germain Act specifically allows this type of conveyance to spouses, children, family trusts, etc.,<sup>2</sup> it does not carve out an exception for conveyances to non-married significant others or business partners. Loan originators and real estate agents, not being familiar with these "due on sale" clauses, often promise the borrowers that the closing attorney will prepare these deeds for them. Many lawyers are tempted to comply with the request rather than make their business source unhappy.

One might argue that violating the due-on-sale clause is not the same as breaking the law, and that there is little harm in allowing a buyer to transfer a half interest to her fiancé, who may have contributed part of the down payment and will be paying half the mortgage payment. One might also argue that the chances of the lender ever becoming aware of deed or being harmed by it are extremely small, but these arguments miss an important point. The Georgia Rules of Professional Conduct identify loyalty as an essential element in the lawyer's relationship with a client,<sup>3</sup> and violating a lender's express instructions for the benefit of the borrower is disloyal.

If the lender has determined it is in its best interests not to allow such conveyances, it is not the lawyer's place to substitute his or her own judgment without the lender's permission. The Georgia Rules of Professional Conduct, in addressing the

---

<sup>2</sup> 12 U.S.C. § 1701j-3 (2002).

scope of a lawyer's representation, provide that "a lawyer shall abide by a client's decisions concerning the objectives of representation.....and shall consult with the clients as to the means by which they are pursued."<sup>4</sup> If a request for such a deed is made, then the attorney should either request permission in writing from the lender or politely refuse the request. The purchaser's own attorney may advise his or her client that the risk of triggering the due-on-sale clause is minimal, but the lender's attorney cannot ethically do so.

#### **Avoiding Conflicts of Interest.**

As in other practice areas a closing attorney is occasionally asked to represent two parties at the same time, for example, a lender and a relocation company. The argument allowing this type of representation is that the interests of both parties are virtually the same, in that both parties want clean title to the property. It is not impossible, however, to imagine a situation where their interests could become adverse (even in the traditionally "happy law" practice of residential real estate!), and then the lawyer has a real problem, especially if he or she has not obtained the informed consent of both parties prior to engaging in the representation.

One problem with conflicts of interest is that they are often less obvious in a real estate transaction than in a more obviously adversarial setting. Conflicts are usually indirect rather than direct, yet no less compelling. Some states, for example New Jersey,

---

<sup>3</sup> GEORGIA RULES OF PROFESSIONAL CONDUCT Rule 1.7 cmt. (2000).



specifically prohibit multiple representation in a real estate transaction for this very reason.<sup>5</sup>

**Avoiding the Unauthorized Practice of Law.**

The Georgia Legislature has enacted statutes that define the Practice of Law and the Unauthorized Practice of Law. O.C.G.A. § 15-19-50 defines the practice of law as:

- (1) Representing litigants in court and preparing pleadings and other papers incident to any action or special proceedings in any court or other judicial body;
- (2) Conveyancing;
- (3) The preparation of legal instruments of all kinds whereby a legal right is secured;
- (4) The rendering of opinions as to the validity or invalidity of titles to real or personal property;
- (5) The giving of any legal advice; and
- (6) Any action taken for others in any matter connected with the law.

Georgia law forbids the unauthorized practice of law in O.C.G.A. § 15-19-51, which states:

---

<sup>4</sup> *Id.* at Rule 1.2.

<sup>5</sup> See, for example Baldassarre v. Butler, 132 N.J. 278 (1993). This case dealt with multiple representation in a complex commercial real estate transaction, but New Jersey's Rules also specifically prohibit multiple representation in a residential transaction.

- (a) It shall be unlawful for any person other than a duly licensed attorney at law:
- (1) To practice or appear as an attorney at law for any person other than himself in any court of this state or before any judicial body;
  - (2) To make it a business to practice as an attorney at law for any person other than himself in any of such courts;
  - (3) To hold himself out to the public or otherwise to any person as being entitled to practice law;
  - (4) To render or furnish legal services or advice;
  - (5) To furnish attorneys or counsel;
  - (6) To render legal services of any kind in actions or proceedings of any nature;
  - (7) To assume or use or advertise the title of "lawyer," "attorney," "attorney at law," or equivalent terms in any language in such manner as to convey the impression that he is entitled to practice law or is entitled to furnish legal advice, services, or counsel; or
  - (8) To advertise that either alone or together with, by or through any person, whether a duly and regularly admitted attorney at law or not, he has, owns, conducts, or maintains

an office for the practice of law or for furnishing legal advice, services, or counsel.

(b) Unless otherwise provided by law or by rules promulgated by the Supreme Court, it shall be unlawful for any corporation, voluntary association, or company to do or perform any of the acts recited in subsection (a) of this Code section.

An attorney may rely upon services and information provide by non-lawyers.

O.C.G.A. § 15-19-54 reads:

Nothing contained in this article shall be construed to prevent a person, corporation, or voluntary association from furnishing to any person lawfully engaged in the practice of law such information or clerical service in and about his professional work as would be lawful except for Code Sections 15-19-51, 15-19-53, 15-19-55, provided that at all times the attorney receiving the information or services shall maintain full professional and direct responsibility to his client for the information and services received. However, no person, corporation, or voluntary association not otherwise authorized to do so shall be permitted to render any services which cannot lawfully be rendered by a person

not admitted to practice law nor to solicit directly or indirectly professional employment for an attorney.

The Georgia Code does permit non-attorneys to examine title, however, such non-attorney cannot issue an opinion as to the status of title. Thus, the Code appears to limit non-attorneys to issuing only title abstracts. The code section reads:

This article shall not prohibit a person, corporation, or voluntary association from examining the record of titles to real property, nor shall it prohibit a person, corporation, or voluntary association from preparing and issuing abstracts of title from such examination of records and certifying to the correctness of the same, nor from issuing policies of insurance on title to real or personal property, nor from employing an attorney or attorneys in and about their own immediate affairs or in any litigation to which they are or may be a party. However, nothing contained in this Code section shall authorize any person, corporation, or voluntary association other than an attorney at law to express, render, or issue any legal opinion as to the status of title to real or personal property.

While some may argue that the unauthorized practice of law statutes are in place to protect the lawyers, the reality is that the statutes are in place to protect the public.

When the practice of law is limited to lawyers, there are systems in place against incompetent practitioners and inept practices.

Licensed attorneys have passed minimum levels of competency that are not required by non-lawyers. While there certainly may be non-lawyers that have the same level of competence as an attorney, members of the public have limited recourse against non-licensed individuals whose lack of ability harms them.

The "closing of real estate transactions between applicants for title insurance and third parties" is considered rendering legal advice and legal service. *Georgia Bar Association v. Lawyers Title Insurance Corporation*, 222 Ga. 657 (1966). The closing of a real estate transaction constitutes the practice of law and cannot be delegated to a non-lawyer. *Georgia Supreme Court Formal Advisory Opinion No. 86-5 (May 12, 1989)*. Furthermore, an attorney supervision of a paralegals work must be "direct and constant" and the attorney should be in control of the closing process from "beginning to end." *Georgia Supreme Court Formal Advisory Opinion No. 00-3 (February 11, 2000)*.

Corporations are not permitted to practice law. *Dixon v. Georgia Indigent Legal Servs., Inc.* 388 F.Supp. 1156 (S.D. Ga. 1974), *aff'd* 532 F.2d 1373 (5<sup>th</sup> Cir. 1976). A corporation cannot appear in court on its own behalf and cannot render or perform legal services of any type. Thus, a corporation performing closings or certifying titles is engaging in the unauthorized practice of law.

**Integrity.**

Attorneys should be honest not only with their clients, but also with the public. Even if they do not represent the purchasers and sellers in a transaction, they should respect that, right or wrong, these individuals will rely on them for information. If the closing attorney undertakes to explain closing documents to the parties, the attorney should make every effort not to mislead those parties by misrepresenting the importance of documents or issues in order to speed through a closing.<sup>6</sup> Similarly, title attorneys should not "sugar coat" or hide material title exceptions in order to get a deal to the table.

A closing attorney's acts as a title agent are not insulated from the rules that govern a lawyer's behavior. State Disciplinary Board Advisory Opinion No. 31, referring also to an American Bar Association Formal Opinion, provides that:

a lawyer that is engaged in the practice of law and another profession which is closely related to law, must govern his conduct according to the professional standards of the legal profession while engaged in the non-legal profession or business.<sup>7</sup>

Most closing attorneys, at least in the metro-Atlanta area, are also title agents and receive compensation from the insuring title company in a transaction in exchange for services

---

<sup>6</sup> *Id* at Rule 4.1.

rendered. Though the state insurance commissioner may not carefully scrutinize the premiums charged by these title insurance agents, attorneys who act as title agents should be aware that charging substantially above "book rate" for title insurance is considered by many to be dishonest, and not a matter of agent discretion. Furthermore, it puts the entire industry at risk in the event a well-informed consumer challenges the increased premiums.

Attorneys who act as title agents have an obligation not only to the parties to the transaction, but to the title companies for whom they work, as well. Their title reports and commitments should be thorough. A title attorney should not allow the pressures of a client to persuade them to omit valid exceptions from a title commitment without the consent of the insuring party.

It is sometimes acceptable to alter title commitments when one has actual knowledge of the satisfaction of title exceptions that are not yet evident in the record. It is less acceptable, however, when one relies on the mere representation by another party that an issue has been taken care of. In these cases, absent the proof itself, procuring an affidavit in recordable form relating to the matter handled is advisable.

**Conclusion.**

---

<sup>7</sup> State Disciplinary Board Adv. Op. 31 (1982).

An attorney's motivation to act ethically or professionally should not be derived solely from a desire to avoid censure by the State Bar, but there will always be those, unfortunately, who let an assessment of the risk of being caught act as their only compass. Anyone who falls into this category should, however, consider this: in a climate where so many forces are trying to drive attorneys out of the closing business, this is not a time to be ignoring rules or acting unprofessionally. Lawyers need to educate themselves on what is legally, morally, and professionally expected of them to protect not only themselves, but their livelihood and the profession itself.



NOTES



NOTES



NOTES



NOTES





**County Superior Court Clerks and Tax Commissioners A-J**

Lakeview 1, Suite 450  
 1105 Sanctuary Parkway Alpharetta GA 30004  
 Tel: 800-282-5972 Fax: 770-475-3343

[Financial Ratings](#) | [Breaking News](#)

[Back One Page](#)

**County Superior Court Clerks and Tax Commissioners Directory A - J**

**APPLING**

**Clerk of Superior Court**  
 Floyd Hunter  
 Courthouse Annex  
 Baxley, GA 31513-1908  
 (912)367-8126 No fax

**Tax Commissioner**  
 Debra Carter  
 100 Oak Street  
 Baxley, GA 31513-2028  
 (912)367-8105 (912)367-8161 FAX

Tax Due Date: December 20

**ATKINSON**

**Clerk of Superior Court**  
 W. M. Smith  
 305 South Main Street, Courthouse  
 Square  
 P. O. Box 006  
 Pearson, GA 31642-0006  
 (912)422-3343 No fax

**Tax Commissioner**  
 Karen T. Bohannan  
 305 South Main Street, Courthouse  
 Square  
 P. O. Box 98  
 Pearson, GA 31642-0098  
 (912)422-7381 No fax

Tax Due Date: December 20

**BACON**

**Clerk of Superior Court**  
 Sherry Tillman  
 Courthouse, 501 West 12th Street  
 P. O. Box 376  
 Alma, GA 31510-0376  
 (912)632-4915 (912)632-2757 FAX

**Tax Commissioner**  
 J. Roger Taylor  
 Courthouse, 501 West 12th Street  
 P. O. Box 432  
 Alma, GA 31510-0432  
 (912)632-5614 (912)632-7422 FAX

Tax Due Date: December 20

**BAKER**

**Clerk of Superior Court**  
 Betty Bush  
 Hoke Smith Drive, Room 2  
 P. O. Box 10  
 Newton, GA 31770-0010  
 (912)734-3004 (912)734-7770 &  
 8822 FAX

**Tax Commissioner**  
 Ann O. Bush  
 Hoke Smith Drive, Room 4  
 P. O. Box 450  
 Newton, GA 31770-0450  
 (912)734-3010 (912)734-8822 FAX

Tax Due Date: December 20

**BALDWIN**

**Clerk of Superior Court**  
 Rosemary Phillips  
 Baldwin County Courthouse, Room  
 209  
 Milledgeville, GA 31061-3399  
 (912)445-4007 No fax

**Tax Commissioner**  
 Cathy Freeman Settle  
 Baldwin County Courthouse, Room  
 112  
 Milledgeville, GA 31061-3399  
 (912)445-4813 (912)445-0712 FAX

Tax Due Date: November 15

**BANKS**

**Clerk of Superior Court**  
 Timothy A. Harper  
 Banks County Courthouse  
 144 Yonah-Homer Road  
 P. O. Box 337  
 Homer, GA 30547-0337  
 (706)677-6282 (706)677-2337 FAX

**Tax Commissioner**  
 Margaret Ausburn  
 Banks County Courthouse  
 144 Yonah-Homer Road  
 P. O. Box 40  
 Homer, GA 30547-0040  
 (706)677-6204 (706)677-4330 FAX

Tax Due Date: December 20

Back to Top**BARROW****Clerk of Superior Court**

Gloria Moon Wall  
30 North Broad  
P. O. Box 1280  
Winder, GA 30680-1280  
(770)307-3035 (770)867-4800 FAX

**Tax Commissioner**

Melinda Wall Williams  
30 North Broad Street, Room 221  
P. O. Box 765  
Winder, GA 30680-0765  
(770)307-3106 (770)867-8985 FAX

Tax Due Date: November 15

**BARTOW****Clerk of Superior Court**

Tish Johnson  
135 West Cherokee Ave.  
Cartersville, GA 30120  
(770)387-5025 (770)386-0846 FAX

**Tax Commissioner**

Jack Nally  
135 West Cherokee Ave., Suite 217  
A  
Cartersville, GA 30120  
(770)387-5111 (770)387-5018 FAX

Tax Due Date: November 15

**BEN HILL****Clerk of Superior Court**

Laverne Wheeler  
Ben Hill County Courthouse  
401 East Central Avenue  
Fitzgerald, GA 31750  
(912)426-5135 (912)426-5487 FAX

**Tax Commissioner**

Linda Faye Taylor  
Ben Hill County Courthouse  
401 East Central Avenue  
Fitzgerald, GA 31750-1393  
(912)426-5144 (912)426-5145 FAX

Tax Due Date: December 20

**BERRIEN****Clerk of Superior Court**

Carol Ross  
105 East Marion Avenue  
P. O. Box 504  
Nashville, GA 31639-0504  
(912)686-5506 No fax

**Tax Commissioner**

Lorene T. Dorminey  
105 East Washington Avenue  
P. O. Box 248  
Nashville, GA 31639-0248  
(912)686-7461 (912)686-7819 FAX

Tax Due Date: December 20

**BIBB****Clerk of Superior Court**

Dianne Brannen  
275 Second Street, Room 216  
(31201)  
P. O. Box 1015  
Macon, GA 31202-1015  
(912)749-6527 (912)749-6539 FAX

**Tax Commissioner**

Davis L. Minshew  
275 Second Street, Room 200  
(31201)  
P. O. Box 4724  
Macon, GA 31213-0899  
(912)749-6500 (912)749-6557 FAX

Tax Due Date: ½ on September 15  
½ on November 15

**BLECKLEY****Clerk of Superior Court**

Dianne C. Brown  
306 S.E. Second Street  
Cochran, GA 31014-1633  
(912)934-3210 (912)934-6323 FAX

**Tax Commissioner**

Trena H. Bessenbacher  
306 S.E. Second Street  
Cochran, GA 31014-1633  
(912)934-3203 (912)934-3205 FAX

Tax Due Date: December 20

Back to Top**BRANTLEY****Clerk of Superior Court**

M. Anthony Ham  
Courthouse, 117 Brantley Street  
P. O. Box 1067  
Nahunta, GA 31553-1067

**BROOKS****Clerk of Superior Court**

Elizabeth Baker  
Courthouse, Screven Street  
P. O. Box 630  
Quitman, GA 31643-0630

**BRYAN****Clerk of Superior Court**

Rebecca G. Crowe (N)  
Bryan County Courthouse  
151 South College Street  
P. O. Drawer H

(912)462-5635 (912)462-6247 FAX (912)263-4747 (912)263-5050 FAX Pembroke, GA 31321  
(912)653-3872 (912)653-3695 FAX

**Tax Commissioner**  
Lorna H. Thomas  
Courthouse, 117 Brantley Street  
P. O. Box 829  
Nahunta, GA 31553-0829  
(912)462-5723 (912)462-7296 FAX

**Tax Commissioner**  
Ada Dodd  
Courthouse, Screven Street  
P. O. Box 349  
Quitman, GA 31643-0349  
(912)263-4586 (912)263-5556 FAX

**Tax Commissioner**  
Debbie M. Newman  
Bryan County Courthouse  
151 South College Street  
P. O. Box 447  
Pembroke, GA 31321-0447  
(912)653-3880

Tax Due Date: December 20      Tax Due Date: December 20

Tax Due Date: December 20

## BULLOCH

**Clerk of Superior Court**  
Sherri A. Akins  
Judicial Annex Building  
20 Siebold Street  
Statesboro, GA 30458-0002  
(912)764-9009 (912)764-5953 FAX

**Tax Commissioner**  
James W. Deal  
115 North Main Street  
P. O. Box 245  
Statesboro, GA 30459  
(912)764-6285 (912)489-4108 FAX

Tax Due Date: December 20

## BURKE

**Clerk of Superior Court**  
Pansy D. Godbee  
111 East Sixth Street  
P. O. Box 803  
Waynesboro, GA 30830-0803  
(706)554-2279 (706)554-7887 FAX

**Tax Commissioner**  
Cynthia D. McManus  
602 Liberty Street  
P. O. Box 671  
Waynesboro, GA 30830-0671  
(706)554-3223 (706)554-8746 FAX

Tax Due Date: December 20

## BUTTS

**Clerk of Superior Court**  
Rhonda T. Waits  
26 Third Street  
P. O. Box 320  
Jackson, GA 30233-0320  
(770)775-8215 (770)775-8211 FAX

**Tax Commissioner**  
Hilda K. James  
16 Third Street  
P. O. Box 1400  
Jackson, GA 30233  
(770)775-8206 (770)775-8211 FAX

Tax Due Date: ½ due September 1  
½ due December 1

[Back to Top](#)

## CALHOUN

**Clerk of Superior Court**  
James C. Shippey  
111 School Street  
P. O. Box 69  
Morgan, GA 31766-0069  
(912)849-2715 (912)849-0072 FAX  
Email:  
[clerk\\_calhoun@mail.gsccca.org](mailto:clerk_calhoun@mail.gsccca.org)

**Tax Commissioner**  
Mary Jackson  
111 School Street  
P. O. Box 111  
Morgan, GA 31766-0111

## CAMDEN

**Clerk of Superior Court**  
Susan L. Waldron  
Courthouse, 208 East 4th Street  
P. O. Box 578  
Woodbine, GA 31569-0578  
(912)576-5624 No fax

**Tax Commissioner**  
Brenda S. Wainright  
Courthouse, 208 East 4th Street  
P. O. Box 698  
Woodbine, GA 31569-0698  
(912)576-3248

## CANDLER

**Clerk of Superior Court**  
Linda Sewell  
355 South Broad Street  
P. O. Drawer 830  
Metter, GA 30439  
(912)685-5257 (912)685-2166 FAX

**Tax Commissioner**  
H. V. Lanier  
Courthouse Square  
Metter, GA 30439  
(912)685-5247 (912)685-4829 FAX

Tax Due Date: December 20

(912)849-2970 (912)849-0099 FAX Tax Due Date: December 20

Tax Due Date: December 20

**CARROLL****Clerk of Superior Court**

Kenneth H. Skinner  
 Courthouse, 323 Newnan Street  
 (30116)  
 P. O. Box 1620  
 Carrollton, GA 30117  
 (770)830-5830 (770)830-5988 FAX

**Tax Commissioner**

Jean Matthews  
 423 College Street  
 P.O. Box 338  
 Carrollton, GA 30117-0338  
 (770)830-5843 (770)830-5849 FAX

Tax Due Date: December 20

[Back to Top](#)**CHATHAM****Clerk of Superior Court**

Susan D. Prouse  
 133 Montgomery Street, Room 304  
 Savannah, GA 31401  
 (912)652-7198 (912)652-7380 FAX

**Tax Commissioner**

Danny Powers  
 133 Montgomery Street, Room 109  
 Savannah, GA 31401  
 (912)652-7115 (912)652-7101 FAX

Tax Due Date: ½ due June 1  
 ½ due November 15

**CHEROKEE****Clerk of Superior Court**

Anne Reneau  
 90 North Street  
 Canton, GA 30114  
 (770)479-0538 (770)479-0538 FAX

**CATOOSA****Clerk of Superior Court**

Norman L. Stone  
 875 Lafayette Street  
 Ringgold, GA 30736-1799  
 (706)935-4231 (706)965-7431 FAX

**Tax Commissioner**

Sandra Self  
 7703 Nashville Street  
 Ringgold, GA 30736-1799  
 (706)935-2571 (706)965-5532 FAX

Tax Due Date: December 20

**CHATTAHOOCHEE****Clerk of Superior Court**

Marilyn Hauck  
 Courthouse, Broad Street  
 P. O. Box 120  
 Cusseta, GA 31805-0120  
 (706)989-3424 (912)989-0396 FAX

**Tax Commissioner**

Linda Webb St. John  
 Courthouse Annex, Broad Street  
 P. O. Box 117  
 Cusseta, GA 31805-0117  
 (706)989-3897 (706)989-2005 FAX

Tax Due Date: December 20

**CLARKE****Clerk of Superior Court**

Beverly Logan  
 325 East Washington Street  
 Athens, GA 30601

**CHARLTON****Clerk of Superior Court**

Mildred Kay Carter  
 Courthouse, 100 South Third Street  
 Folkston, GA 31537-3706  
 (912)496-2354 (912)496-3882 FAX

**Tax Commissioner**

Monroe (Bo) Todd  
 Courthouse, 100 South Third Street  
 Folkston, GA 31537-3706  
 (912)496-2057 (912)496-2059 FAX

Tax Due Date: December 20

**CHATTOOGA****Clerk of Superior Court**

Sam L. (Lann) Cordle, Jr.  
 Chattooga County Courthouse  
 10035 Commerce Street  
 P. O. Box 159  
 Summerville, GA 30747-0159  
 (706)857-0706 (706)857-0686 FAX

**Tax Commissioner**

Hugh Don Hall  
 120 Cox Street  
 P. O. Box 517  
 Summerville, GA 30747-0517  
 (706)857-0703 (706)857-0742 FAX

Tax Due Date: December 20

**CLAY****Clerk of Superior Court**

Deanna K. Bertrand  
 210 South Washington Street  
 P. O. Box 550

**Tax Commissioner**

David Fields  
100 North Street  
Canton, GA 30114-2756  
(770)479-0427 (770)479-0524 FAX

Tax Due Date: December 20

(706)613-3190 (706)613-3189 FAX

**Tax Commissioner**

Nancy B. Denson  
325 East Washington Street  
Athens, GA 30601  
(706)613-3120 (706)613-3152 FAX

Tax Due Date: October 20

Fort Gaines, GA 31751-0550  
(912)768-2631 (912)768-3443 FAX

**Tax Commissioner**

Melissa Shivers, Interim  
210 South Washington Street  
P. O. Box 217  
Fort Gaines, GA 31751-0217  
(912)768-2915 (912)768-2710 FAX

Tax Due Date: December 20

[Back to Top](#)**CLAYTON****Clerk of Superior Court**

Linda T. Miller  
121 South McDonough Street  
Jonesboro, GA 30236-3694  
(770)477-3405 (770)477-4519 FAX

**Tax Commissioner**

Patricia Hussey  
121 South McDonough Street  
Annex 3  
Jonesboro, GA 30236-3694  
(770)477-3310 (770)477-3314 FAX

Tax Due Date: November 15

**CLINCH****Clerk of Superior Court**

Daniel V. Leccese  
100 Court Square  
Post Office Box 433  
Homerville, GA 31634  
(912)487-5854 (912)487-3083 FAX

**Tax Commissioner**

Jamie S. Douglas (N)  
100 Court Square  
Homerville, GA 31634  
(912)487-2480 (912)487-5739 FAX

Tax Due Date: December 20

**COBB****Clerk of Superior Court**

Jay C. Stephenson  
32 Waddell Street  
Marietta, GA 30090-9640  
(770)528-1372 (770)528-1382 FAX

**Tax Commissioner**

Jim McDuffie  
100 Cherokee Street  
Marietta, GA 30090  
(770)528-8600 (770)528-8628 FAX  
Tax Due Date: October 15

**COFFEE****Clerk of Superior Court**

Willifred Thompson  
109 South Peterson Avenue  
Douglas, GA 31533  
(912)384-2865 (912)384-4220 FAX

**Tax Commissioner**

Loia Smith  
101 South Peterson Avenue  
Douglas, GA 31533  
(912)384-4895 No fax

Tax Due Date: December 1

**COLQUITT****Clerk of Superior Court**

Shirley Asbell  
1220 South Main Street (31768))  
P. O. Box 886  
Moultrie, GA 31776-0886  
(912)891-7420 No fax

**Tax Commissioner**

Cindy S. Harvin  
1220 South Main Street (31768)  
P. O. Box 99  
Moultrie, GA 31776-0099  
(912)891-7410 (912)891-7412 FAX

Tax Due Date: December 10

**COLUMBIA****Clerk of Superior Court**

Mary Reeves  
630 Washington West Drive  
P. O. Box 100  
Appling, GA 30802  
(706)541-1139 (706)541-4013 FAX

**Tax Commissioner**

Kay Allen  
630 Washington West Drive  
P. O. Box 56  
Appling, GA 30802  
(706)541-1808 (706)541-4004 FAX

Tax Due Date: November 15

[Back to Top](#)**COOK****COWETA****CRAWFORD**

**Clerk of Superior Court**

Cholis Lollis  
212 North Hutchinson Avenue  
Adel, GA 31620  
(912)896-7717 (912)896-5031 FAX

**Tax Commissioner**

Donnie Simmons  
212 North Hutchinson Avenue  
Adel, GA 31620  
(912)896-4569 (912)896-4638 FAX

Tax Due Date: December 20

**Clerk of Superior Court**

Joan Griffies  
200 Court Street  
Newnan, GA 302643  
(770)254-2690 (770)254-2647 FAX

**Tax Commissioner**

James T. Ferrell  
22 East Broad Street  
P. O. Box 195  
Newnan, GA 30264-0195  
(770)254-2670 (770)254-2602 FAX

Tax Due Date: December 1

**Clerk of Superior Court**

John D. Castleberry  
971 U. S. Highway 80 East  
P. O. Box 1037  
Roberta, GA 31078-1037  
(912)836-3328 No fax

**Tax Commissioner**

Cynthia G. Davis  
Crawford County Development Center  
1101 Highway 341 North  
P. O. Box 634  
Roberta, GA 31078-0634  
(912)836-3575 (912)836-5663 FAX

Tax Due Date: December 20

**CRISP****Clerk of Superior Court**

Jean H. Rogers  
Crisp County Courthouse, Room 208  
210 South 7th Street (31015)  
P. O. Box 747  
Cordele, GA 31010-0747  
(912)276-2616 (912)273-5750 FAX

**Tax Commissioner**

Cricket Adkins  
Crisp County Courthouse, Room 201  
Cordele, GA 31015-4295  
(912)276-2630 (912)276-2632 FAX

Tax Due Date: December 20

**DADE****Clerk of Superior Court**

Sarah Moore  
Dade Cpimtu Courthouse, Highway 11  
P. O. Box 417  
Trenton, GA 30752-0417  
(706)657-4778 (706)657-5116 FAX

**Tax Commissioner**

Jane Moreland  
Dade County Justice Building  
75 Case Avenue  
P. O. Box 349  
Trenton, GA 30752-0349  
(706)657-7563 (706)657-5116 FAX

Tax Due Date: December 20

**DAWSON****Clerk of Superior Court**

Becky McCord  
25 Tucker Avenue, Suite 106  
Dawsonville, GA 30534  
(706)344-3510 (706)344-3511 FAX

**Tax Commissioner**

Hubert D. Bailey  
25 Tucker Ave., Suite 105  
Dawsonville, Ga. 30534  
(706)265-2860 (706)344-3522 (fax)

Tax Due Date: December 20

**Back to Top****DECATUR****Clerk of Superior Court**

Rebecca McCook  
112 West Water Street  
P. O. Box 336  
Bainbridge, GA 31718-0336  
(912)248-3025 (912)248-3029 FAX

**Tax Commissioner**

C. B. Hester, Jr.  
112 West Water Street

**DEKALB****Clerk of Superior Court**

Jeanette Rozier  
556 N. McDonough St., Room 203  
Decatur, GA 30030-3221  
(404)371-2762 (404)371-2635 FAX

**Tax Commissioner**

Tom Scott  
120 W. Trinity Place, Room 109  
Decatur, GA 30030-3221

**DODGE****Clerk of Superior Court**

Tommy Cranford  
Route 5, Box 231  
P. O. Drawer 4276  
Eastman, GA 31023-4276  
(912)374-2871 (912)374-3035 FAX

**Tax Commissioner**

Dillard Skipper  
1001 5th Avenue

P. O. Box 246  
Bainbridge, GA 31718-0246  
(912)248-3009 (912)248-3053 FAX

Tax Due Date: December 20

## DOOLY

Clerk of Superior Court  
Betty I. Colter (N)  
104 South Second Street  
P. O. Box 326  
Vienna, GA 31092-0326  
(912)268-4234 (912)268-1427 FAX  
Tax Commissioner  
Louise J. Bowen  
P.O. Box 371  
Vienna, Ga. 31092  
(912)268-4212 (912)268-2240 FAX

Tax Due Date: December 20

## Back to Top EARLY

Clerk of Superior Court  
India Thompson  
Early County Courthouse, Court Square  
Blakely, GA 31723-1811  
(912)723-3033 (912)723-5246 FAX

### Tax Commissioner

Jimmie H. Dunn  
Early County Courthouse, Court Square  
Blakely, GA 31723-1811  
(912)723-4024 (912)723-8477 FAX

Tax Due Date: December 20

## ELBERT

Clerk of Superior Court  
Patricia V. Anderson  
12 South Oliver Street  
P. O. Box 619

(404)371-2280 (404)371-3214 FAX

Tax Due Date: ½ due August 15  
½ due November 15

## DOUGHERTY

Clerk of Superior Court  
Imanell Gable  
222 Pine Avenue  
P. O. Box 1827  
Albany, GA 31702-5301  
(912)431-2198 (912)431-2850 FAX

### Tax Director

Denver Collins  
222 Pine Avenue  
P. O. Box 1827  
Albany, GA 31702-5301  
(912)431-2130 (912)438-3997 FAX

Tax Due Date: December 20

## ECHOLS

Clerk of Superior Court  
Lola Davis  
Courthouse, 110 Highway 94 East  
P. O. Box 0213  
Statenville, GA 31648-0213  
(912)559-5642 (912)559-5792 FAX

### Tax Commissioner

Eleanor F. Smith  
Courthouse, 110 Highway 94 East  
P. O. Box 113  
Statenville, GA 31648-0113  
(912)559-5253 (912)559-5792 FAX

Tax Due Date: December 20

## EMANUEL

Clerk of Superior Court  
J. Carlton Lawson  
201 West Main Street  
P. O. Box 627

P. O. Box 668  
Eastman, GA 31023-0668  
(912)374-2154 (912)374-9236 FAX

Tax Due Date: December 20

## DOUGLAS

Clerk of Superior Court  
Cindy Chaffin  
8700 Hospital Drive  
Douglasville, GA 30134-2264  
(770)920-7256 (770)920-7561 FAX

### Tax Commissioner

Ann Jones Guider  
8700 Hospital Drive  
Douglasville, GA 30134-2264  
(770)920-7502 (770)920-7276 FAX

Tax Due Date: November 15

## EFFINGHAM

Clerk of Superior Court  
Elizabeth Hursey  
901 North Pine Street  
P. O. Box 387  
Springfield, GA 31329-0387  
(912)754-2118 No fax

### Tax Commissioner

Lisa E. Wright  
P. O. Box 787  
Springfield, GA 31329-0387  
(912)754-2121 (912)754-9506 FAX

Tax Due Date: December 20

## EVANS

Clerk of Superior Court  
Gail B. McCooey  
123 West Main Street  
P. O. Box 845

Elberton, GA 30635  
(706)283-2005 (706)283-7286 FAX

**Tax Commissioner**

Mary Jean Ginn  
12 South Oliver Street  
P. O. Box 603  
Elberton, GA 30635  
(706)283-2018 (706)283-8144 FAX

Tax Due Date: November 15

[Back to Top](#)

**FANNIN****Clerk of Superior Court**

John W. Chastain  
420 West Main Street, Suite 3  
P. O. Box 1300  
Blue Ridge, GA 30513-1300  
(706)632-2039 (706)632-8236 FAX

**Tax Commissioner**

Windell Davis  
420 West Main Street, Suite 1  
P. O. Box 334  
Blue Ridge, GA 30513-0334  
(706)632-2645 (706)632-8236 FAX

Tax Due Date: December 20

**FORSYTH****Clerk of Superior Court**

Douglas Sorrells  
100 Courthouse Square, Suite 010  
Cumming, GA 30040  
(770)886-4865 (770)886-2858 FAX

**Tax Commissioner**

Bobby Gene Gilbert  
110 East Main Street, Suite 130  
Cumming, GA 30040  
(770)781-2110 (770)886-2828 FAX

Tax Due Date: December 20

[Back to Top](#)

Swainsboro, GA 30401  
(912)237-8911 (912)289-9473 FAX

**Tax Commissioner**

Sandra Sconyers Wright  
101 South Main Street  
P. O. Box 763  
Swainsboro, GA 30401  
(912)237-3351 (912)289-8363 FAX

Tax Due Date: December 20

**FAYETTE****Clerk of Superior Court**

W. A. "Bud" Ballard  
145 Johnson Avenue  
P. O. Box 130  
Fayetteville, GA 30214  
(770)461-4703 No fax

**Tax Commissioner**

George Wingo  
140 Stonewall Avenue West  
P. O. Box 70  
Fayetteville, GA 30214  
(770)461-3611 (770)461-8443 FAX

Tax Due Date: November 15

**FRANKLIN****Clerk of Superior Court**

Melissa Blakely Holbrook  
9592 Lavonia Road  
P. O. Box 70  
Carnesville, GA 30521  
(706)384-2483 No fax

**Tax Commissioner**

Richard Holland  
1221 Hull Avenue  
P. O. Box 100  
Carnesville, GA 30521  
(706)384-3455 (706)384-2245 FAX

Tax Due Date: December 20

Claxton, GA 30417-0845  
(912)739-3868 (912)739-2504 FAX

**Tax Commissioner**

Gwendolyn G. Odom  
3 Freeman Street  
P. O. Box 685  
Claxton, GA 30417-0685  
(912)739-1147 (912)739-0111

Tax Due Date: December 20

**FLOYD****Clerk of Superior Court**

Joe E. Johnston  
3 Government Plaza  
P. O. Box 1110  
Rome, GA 30161  
(706)291-5190 (706)233-0035 FAX

**Tax Commissioner**

Jim Ford  
4 Government Plaza  
P. O. Box 26  
Rome, GA 30162-0026  
(706)291-5148 (706)233-0033 FAX

Tax Due Date: November 15

**FULTON****Clerk of Superior Court**

Juanita Hicks  
136 Pryor Street, S.W.  
Atlanta, GA 30303  
(404)730-5313 (404)730-7993 FAX

**Tax Commissioner**

Arthur Ferdinand  
Suite 1085  
141 Pryor Street, S.W.  
Atlanta, GA 30303  
(404)730-6600 (404)730-6154 FAX

Tax Due Date: October 15

**GILMER****Clerk of Superior Court**

Glenda Sue Johnson  
 Gilmer County Courthouse  
 Ellijay, GA 30540  
 (706)635-4462 (706)635-1462 FAX

**Tax Commissioner**

Frank Elliott  
 Gilmer County Courthouse  
 Ellijay, GA 30540  
 (706)635-4762 (706)635-4792 FAX

Tax Due Date: December 20

**GLASCOCK****Clerk of Superior Court**

Audrey Richards  
 62 East Main Street  
 P. O. Box 231  
 Gibson, GA 30810-0231  
 (706)598-2084 (706)598-2577 FAX

**Tax Commissioner**

Catherine K. Kelley  
 74 East Main Street  
 P. O. Box 221  
 Gibson, GA 30810-0221  
 (706)598-3151 (706)598-3638 FAX

Tax Due Date: December 20

**GLYNN****Clerk of Superior Court**

Larry Ellison  
 701 H Street, 1st Floor (31520)  
 P. O. Box 1355  
 Brunswick, GA 31521-1355  
 (912)267-5610 (912)267-5625 FAX

**Tax Commissioner**

Florence Dees  
 1725 Reynolds Street (31520)  
 P. O. Box 1259  
 Brunswick, GA 31521-1259  
 (912)267-5680 (912)267-9684 FAX

Tax Due Date: December 20

**GORDON****Clerk of Superior Court**

Lewis J. Couch  
 100 Wall Street  
 Calhoun, GA 30703  
 (706)629-9533 (706)629-2139 FAX

**Tax Commissioner**

Peggy L. Smith  
 101 Piedmont Street  
 P. O. Box 337  
 Calhoun, GA 30703-0337  
 (706)629-9242 (706)625-8253 FAX

Tax Due Date: December 20

[Back to Top](#)

**GWINNETT****Clerk of Superior Court**

Tom Lawler  
 75 Langley Drive  
 Lawrenceville, GA 30045  
 (770)822-8100 (770)822-8227 FAX

**Tax Commissioner**

Katherine Sherrington  
 75 Langley Drive  
 Lawrenceville, GA 30045  
 (770)822-7324 (770)822-7295 FAX

**GRADY****Clerk of Superior Court**

Annette H. Alred  
 250 North Broad Street, Box 8  
 Cairo, GA 31728  
 (912)377-2912 (912)377-4127 FAX

**Tax Commissioner**

Janice P. Womble  
 250 North Broad Street, Box 12  
 Cairo, GA 31728  
 (912)377-3322 (912)377-4127 FAX

Tax Due Date: December 20

**GREENE****Clerk of Superior Court**

Marie E. Boswell  
 113 North Main Street, Suite 109  
 Greensboro, GA 30642  
 (706)453-3340 (706)453-9179 FAX

**Tax Commissioner**

Candace Lawson  
 113 North Main Street, Suite 306  
 Greensboro, GA 30642  
 (706)453-3358 (706)453-1760 FAX

Tax Due Date: November 15

**HABERSHAM****Clerk of Superior Court**

Ernest Nations, Jr.  
 555 Monroe Street, Unit 35  
 Clarkesville, GA 30523  
 (706)754-2923 (706)754-8779 FAX

**Tax Commissioner**

Rhoda D. Seabolt  
 555 Monroe Street, Unit 25 Box 6  
 Clarkesville, GA 30523  
 (706)754-2516 (706)754-4197 FAX

**HALL****Clerk of Superior Court**

Dwight Wood  
 116 Spring Street (30501)  
 P. O. Box 1275  
 Gainesville, GA 30503-1275  
 (770)531-7025 (770)531-7070 FAX

**Tax Commissioner**

Don Elrod  
 300 Green Steret (30501)  
 P. O. Box 1579  
 Gainesville, GA 30503-1579

Tax Due Date: ½ due September 15  
½ due November 15

Tax Due Date: December 20

(770)531-6950 (770)531-7106 FAX

Tax Due Date: December 1

## HANCOCK

### Clerk of Superior Court

Leroy S. Wiley  
Courthouse Square  
P. O. Box 451  
Sparta, GA 31087-0451  
(706)444-6644 (706)444-6221 FAX

### Tax Commissioner

Herbert Brunson  
Courthouse Square  
Sparta, GA 31087-1114  
(706)444-5148 (706)444-7711 FAX

Tax Due Date: November 20

## Back to Top

## HART

### Clerk of Superior Court

William Holland, III  
185 West Franklin Street  
P. O. Box 386  
Hartwell, GA 30643-0386  
(706)376-7189 (706)376-1277 FAX

### Tax Commissioner

Phillip Hix  
165 West Franklin Street  
P. O. Box 748  
Hartwell, GA 30643  
(706)376-3944 (706)376-6009 FAX

Tax Due Date: December 20

## HOUSTON

### Clerk of Superior Court

Carolyn V. Sullivan  
Houston County Courthouse  
800 Carroll Street  
Perry, GA 31069-3312  
(912)987-2170 (912)987-3252 FAX

## HARALSON

### Clerk of Superior Court

JoAnn Hutcheson  
Courthouse, 4484 Highway 120  
P. O. Box 373  
Buchanan, GA 30113-0373  
(770)646-2005 (770)646-2035 FAX

### Tax Commissioner

Barbara G. Ridley  
4276 Highway 120  
P. O. Box 220  
Buchanan, GA 30113  
(770)646-2020 No fax

Tax Due Date: December 20

## HEARD

### Clerk of Superior Court

Bryan S. Owensby  
215 East Court Square  
P. O. Box 249  
Franklin, GA 30217-0249  
(706)675-3301 (706)675-0819 FAX

### Tax Commissioner

Sandra Nolen  
215 East Court Square  
P. O. Box 519  
Franklin, GA 30217-0519  
(706)675-3391 (706)675-0819 FAX

Tax Due Date: December 1

## IRWIN

### Clerk of Superior Court

Sharon H. Martin  
301 South Irwin Avenue, Suite 105  
P. O. Box 186  
Ocilla, GA 31774-0186  
(912)468-5356 (912)468-7765 FAX

## HARRIS

### Clerk of Superior Court

Jo Alston  
102 North College Street  
P. O. Box 528  
Hamilton, GA 31811-0528  
(706)628-4944 (706)628-4223 FAX

### Tax Commissioner

Sarah McDowell  
214 Walton Street  
P. O. Box 152  
Hamilton, GA 31811-0152  
(706)628-4843 (706)628-4140 FAX

Tax Due Date: December 20

## HENRY

### Clerk of Superior Court

Sara Taylor  
Henry County Courthouse  
McDonough, GA 30253-3220  
(770)954-2124 (770)898-7573 FAX

### Tax Commissioner

Andy Pipkin  
345 Phillips Drive  
McDonough, GA 30253-0675  
(770)954-2463 (770)954-2877 FAX

Tax Due Date: November 15

## JACKSON

### Clerk of Superior Court

Reba P. Parks  
Courthouse, 85 Washington Street  
P. O. Box 7  
Jefferson, GA 30549  
(706)367-6363 (706)367-2468 FAX

**Tax Commissioner**  
 Juanita Mason  
 1005 Jernigan Street  
 Perry, GA 31069-3825  
 (912)987-2960 (912)923-5697 FAX

Tax Due Date: December 20

[Back to Top](#)

**JASPER**

**Clerk of Superior Court**  
 Dan Jordan  
 Courthouse  
 Monticello, GA 31064  
 (706)468-4901 (706)468-4946 FAX

**Tax Commissioner**  
 Merry Faulkner  
 Courthouse  
 Monticello, GA 31064  
 (706)468-4902 (706)468-4947 FAX

Tax Due Date: December 20

**JENKINS**

**Clerk of Superior Court**  
 Courthouse Square, 611 East Winthrop Ave.  
 Elizabeth T. Landing  
 P. O. Box 659  
 Millen, GA 30442  
 (912)982-4683 (912)982-1274 FAX

**Tax Commissioner**  
 Brenda B. Mathern  
 Courthouse Square, 611 East Winthrop Ave.  
 P. O. Box 646  
 Millen, GA 30442  
 (912)982-4925 (912)982-3233 FAX

Tax Due Date: December 20

[Back to Top](#)

**Tax Commissioner**  
 Sandra D. Paulk  
 301 South Irvin Street, Suite 102  
 P. O. Box 645  
 Ocilla, GA 31774-0645  
 (912)468-5505 (912)468-7765 FAX

Tax Due Date: December 20

**JEFF DAVIS**

**Clerk of Superior Court**  
 Eula Mae Edwards  
 14 Jeff Davis Street, Room 105  
 P. O. Box 248  
 Hazlehurst, GA 31539-0248  
 (912)375-6615 (912)375-0378 FAX

**Tax Commissioner**  
 Brenda J. Graham  
 14 Jeff Davis Street, Room 104  
 P. O. Box 558  
 Hazlehurst, GA 31539-0558  
 (912)375-6622 (912)375-0378 FAX

Tax Due Date: December 20

**JOHNSON**

**Clerk of Superior Court**  
 Daley Powell  
 Courthouse Square  
 P. O. Box 321  
 Wrightsville, GA 31096-0321  
 (912)864-3484 (912)864-1373 FAX

**Tax Commissioner**  
 Sherry Vickers  
 Courthouse Square  
 P. O. Box 163  
 Wrightsville, GA 31096-0163  
 (912)864-2565 (912)864-9441 FAX

Tax Due Date: December 20

**Tax Commissioner**  
 Don Elrod  
 67 Athens Street  
 P. O. Box 247  
 Jefferson, GA 30549  
 (706)367-6325 (706)367-2578 FAX

Tax Due Date: December 20

**JEFFERSON**

**Clerk of Superior Court**  
 Mickey Jones  
 Courthouse, 202 East Broad Street  
 P. O. Box 151  
 Louisville, GA 30434-0151  
 (912)625-7922 (912)625-9589 FAX

**Tax Commissioner**  
 Jenny Weeks Gordy  
 Courthouse, 202 East Broad Street  
 P. O. Box 426  
 Louisville, GA 30434-0426  
 (912)625-7736 (912)625-4024 FAX

Tax Due Date: December 20

**JONES**

**Clerk of Superior Court**  
 Bart W. Jackson  
 110 South Jefferson Street  
 P. O. Box 39  
 Gray, GA 31032  
 (912)986-6671 (912)986-2030 FAX

**Tax Commissioner**  
 Brian S. Jackson  
 166 Industrial Boulevard  
 P. O. Box 417  
 Gray, GA 31032  
 (912)986-6538 (912)986-9682 FAX

Tax Due Date: December 1



**Old Republic Title Insurance Group**

Lakeview 1, Suite 450 1105 Sanctuary Parkway Alpharetta GA 30004  
Tel: 800-282-5972 Fax: 770-475-3343

Email us with your comments or questions about this Web site.

The contents of <http://www.oldrepublictitle.com> are  
© 1998 - 2003, Old Republic National Title Insurance Company, All Rights Reserved

Old Republic Title Internet Privacy Policy

[ Home Page ] [ Back One Page ] [ County Superior Court Clerks and Tax Commissioners A-J ]  
[ County Superior Court Clerks and Tax Commissioners L-Z ] [ Training ] [ Seminars ] [ Excess Risk Request ] [ Insurance Quotes ]  
[ Continuing Education ] [ Rate Book Order ] [ Brochure Order ] [ Recording Fees ]



**County Superior Court Clerks and Tax Commissioners L-Z**

Lakeview 1, Suite 450  
 1105 Sanctuary Parkway Alpharetta GA 30004  
 Tel: 800-282-5972 Fax: 770-475-3343

[Financial Ratings](#) | [Breaking News](#)

[Back One Page](#)

**County Superior Court Clerks and Tax Commissioners Directory L - Z**

**LAMAR**

**Clerk of Superior Court**  
 Robert (Frank) Abbott  
 326 Thomaston Street  
 Barnesville, GA 30204-1669  
 (770)358-5145 (770)358-5149 FAX

**Tax Commissioner**  
 Geraldine S. Pippin  
 130 Library St  
 Barnesville, GA 30204-1699  
 (770)358-5162 (770)385-5217 FAX

Tax Due Date: December 20

**LANIER**

**Clerk of Superior Court**  
 Martha B. Neugent  
 100 Main Street  
 Lakeland, GA 31635-1187  
 (912)482-3594 (912)482-8333 FAX

**Tax Commissioner**  
 Rebecca S. Rampey  
 100 Main Street  
 Lakeland, GA 31635-1190  
 (912)482-3795 (12)482-9363 FAX

Tax Due Date: December 20

**LAURENS**

**Clerk of Superior Court**  
 Allen Thomas  
 Laurens County Courthouse, Room 106  
 101 North Jefferson Street (31021)  
 P. O. Box 2028  
 Dublin, GA 31040-2028  
 (912)272-3210 (912)277-2933 FAX

**Tax Commissioner**  
 Wilma Willis  
 Laurens County Courthouse, Room 104  
 101 North Jefferson Street (31021)  
 P. O. Box 2099  
 Dublin, GA 31040-2099  
 (912)272-6994 (912)277-2916 FAX

Tax Due Date: December 1

**LEE**

**Clerk of Superior Court**  
 Ann E. Nix  
 Courthouse, 100 Leslie Highway  
 P. O. Box 597  
 Leesburg, GA 31763-0597  
 (912)759-6018 No fax

**Tax Commissioner**  
 Martha C. (Betty) Johnson  
 Courthouse, 100 Leslie Highway  
 P. O. Box 9  
 Leesburg, GA 31763-0009  
 (912)759-6015 (912)759-6041 FAX

Tax Due Date: December 20

**LIBERTY**

**Clerk of Superior Court**  
 F. Barry Wilkes  
 100 Main Street  
 P. O. Box 50  
 Hinesville, GA 31310-0050  
 (912)876-3625 (912)369-5463 FAX

**Tax Commissioner**  
 Carolyn Brown  
 112 North Main Street, Room 106  
 P. O. Box 587  
 Hinesville, GA 31310-0587  
 (912)876-3389 (912)876-3099 FAX

Tax Due Date: December 20

**LINCOLN**

**Clerk of Superior Court**  
 Bruce C. Beggs  
 210 Humphrey Street  
 P. O. Box 340  
 Lincolnton, GA 30817  
 (706)359-5505 (706)359-4729 FAX

**Tax Commissioner**  
 Brenda T. Danner  
 210 Humphrey Street  
 P. O. Box 185  
 Lincolnton, GA 30817-0340  
 (706)359-5536 (706)359-4729 FAX

Tax Due Date: December 20

Back to Top**LONG**

**Clerk of Superior Court**  
Harrell Manning  
49 East McDonald Street  
P. O. Box 458  
Ludowici, GA 31316-0458  
(912)545-2123 (912)545-2150 FAX

**Tax Commissioner**  
Lillian Simmons  
49 East McDonald Street  
P. O. Box 628  
Ludowici, GA 31316-0628  
(912)545-2127 (912)545-2150 FAX

Tax Due Date: December 20

**MACON**

**Clerk of Superior Court**  
Sylvia Hogg  
Macon County Courthouse  
121 South Sumter Street  
P. O. Box 337  
Oglethorpe, GA 31068-0337  
(912)472-7661 (912)472-5643 FAX

**Tax Commissioner**  
Rhonda S. Respress  
101 North Chatham Street  
P. O. Box 485  
Oglethorpe, GA 31068-0485  
(912)472-7031 (912)472-5643 FAX

Tax Due Date: December 20

Back to Top**MCDUFFIE**

**Clerk of Superior Court**  
Constance Cheatham  
337 Main Street, Room 104  
P. O. Box 158  
Thomson, GA 30824-0158  
(706)595-2134 (706)595-9150 FAX

**Tax Commissioner**

**LOWNDES**

**Clerk of Superior Court**  
Sara Crow  
108 East Central Avenue (31601)  
P. O. Box 1349  
Valdosta, GA 31603-1349  
(912)333-5127 (912)333-7637 FAX

**Tax Commissioner**  
Paul Sumner  
100 East Central Avenue (31601)  
P. O. Box 1409  
Valdosta, GA 31601-1409  
(912)333-5106 (912)245-5340 FAX

Tax Due Date: December 20

**MADISON**

**Clerk of Superior Court**  
Michelle H. Strickland  
91 Albany Avenue  
P. O. Box 247  
Danielsville, GA 30633  
(706)795-3352 (706)795-2458 FAX. 173

**Tax Commissioner**  
Louise Watson  
91 Albany Avenue  
P. O. Box 217  
Danielsville, GA 30633  
(706)795-3356 (706)795-3778 FAX

Tax Due Date: December 20

**MCINTOSH**

**Clerk of Superior Court**  
Ann W. Poppell  
Courthouse, 310 North Way  
P. O. Box 1661  
Darien, GA 31305-1661  
(912)437-6641 (912)437-6673 FAX

**Tax Commissioner**

**LUMPKIN**

**Clerk of Superior Court**  
Edward E. Tucker  
99 Courthouse Hill, Suite D  
Dahlonega, GA 30533  
(706)864-3736 (706)864-5298 FAX

**Tax Commissioner**  
Jean Grizzle  
99 Courthouse Hill, Suite E  
Dahlonega, GA 30533  
(706)864-2666 (706)867-6010 FAX

Tax Due Date: December 20

**MARION**

**Clerk of Superior Court**  
Mary Jo Page  
100 Broad Street  
P. O. Box 41  
Buena Vista, GA 31803-0041  
(912)649-7321 (912)649-2059 FAX

**Tax Commissioner**  
Judith Smith  
100 Borad Street  
P. O. Box 219  
Buena Vista, GA 31803-0219  
(912)649-5231 (912)649-2059 FAX

Tax Due Date: December 20

**MERIWETHER**

**Clerk of Superior Court**  
Louise T. Garrett  
Courthouse, 100 Court Square  
P. O. Box 160  
Greenville, GA 30222-0160  
(706)672-4416 (706)672-9465 FAX

**Tax Commissioner**

Cathy Kitchens  
406 Main Street  
P. O. Box 955  
Thomson, GA 30824-0955  
(706)595-2132 (706)595-2055 FAX

Tax Due Date: December 20

## MILLER

Clerk of Superior Court  
Annie Laura Middleton  
155 South First Street  
Colquitt, GA 31737  
(912)758-4102 (912)758-6585 FAX. 177

Tax Commissioner  
Carolyn Worsley Broxton  
155 South First Street  
Colquitt, GA 31737  
(912)758-4101 (912)758-4101 FAX

Tax Due Date: December 20

## Back to Top

## MONTGOMERY

Clerk of Superior Court  
Dwight Newsome  
U. S.Highway 221  
P. O. Box 311  
Mount Vernon, GA 30445-0311  
(912)583-4401 (912)583-4343 FAX

Tax Commissioner  
Lawana M. Sharpe  
400 South Railroad Avenue  
P. O. Box 317  
Mount Vernon, GA 30445-0317  
(912)583-2571 No fax

Tax Due Date: December 20

## MUSCOGEE

Clerk of Superior Court  
Linda Pierce

Gordon Shuman, Interim  
Courthouse, 310 North Way  
P. O. Box 571  
Darien, GA 31305-0571  
(912)437-6627 (912)437-3566 FAX

Tax Due Date: December 20

## MITCHELL

Clerk of Superior Court  
Adayna Broome  
Mitchell County Courthouse  
Camilla, GA 31730  
(912)336-2022 (912)336-2004 FAX

Tax Commissioner  
Alberta C. Fowler  
Mitchell County Courthouse  
Camilla, GA 31730  
(912)336-2010 (912)336-2004 FAX

Tax Due Date: December 20

## MORGAN

Clerk of Superior Court  
Elaine M. Mealor  
149 East Jefferson Street, Room 101A  
P. O. Box 130  
Madison, GA 30650-0130  
(706)342-3605 (706)342-5083 FAX

Tax Commissioner  
Brenda B. White  
149 East Jefferson Street  
P.O. Box 151  
Madison, GA 30650  
(706)342-0464 (706)342-2798 FAX

Tax Due Date: December 20

## NEWTON

Clerk of Superior Court  
Linda D. Hays

H. Y. Johnson  
South Court Square  
P. O. Box 729  
Greenville, GA 30222-0729  
(706) 672-4219 (706)672-1886 FAX

Tax Due Date: December 20

## MONROE

Clerk of Superior Court  
Lynn W. Ham  
1 Courthouse Square  
P. O. Box 450  
Forsyth, GA 31029-0450  
(912)994-7022 (912)994-7053 FAX

Tax Commissioner  
Patsy Miller  
38 West Main Street  
P. O. Box 357  
Forsyth, GA 31029-0357  
(912)994-7020 (912)992-5073 FAX

Tax Due Date: December 20

## MURRAY

Clerk of Superior Court  
Loreine P. Matthews  
101 North 3rd Avenue  
P. O. Box 1000  
Chatsworth, GA 30705-1000  
(706)695-2932 (706)517-9672 FAX

Tax Commissioner  
Charlotte Hooper Keener  
121 North 4th Avenue  
P. O. Box 336  
Chatsworth, GA 30705-0336  
(706)695-3423 (706)695-8721 FAX

Tax Due Date: December 20

## OCONEE

Clerk of Superior Court  
Sandra Glass

100 10th Street (31901-2376)  
P. O. Box 2145  
Columbus, GA 31902-1340  
(706)653-4351 No fax

**Tax Commissioner**

Lula L. Huff  
100 10th Street (31901-2376)  
P. O. Box 1340  
Columbus, GA 31902-1340  
(706)653-4211  
(706)663-4207 Tag office fax  
(706)653-4152 Property tax fax

Tax Due Date: 40% by October 1  
60% by December 1

**Back to Top****OGLETHORPE****Clerk of Superior Court**

Geneva G. Stamey  
111 West Main Street  
P. O. Box 68  
Lexington, GA 30648-0068  
(706)743-5731 (706)743-5335 FAX

**Tax Commissioner**

Jeannie P. Fincher  
105 Union Point Street  
P. O. Box 305  
Lexington, GA 30648-0305  
(706)743-8422 (706)743-8837 FAX

Tax Due Date: December 20

**PICKENS****Clerk of Superior Court**

Joyce F. Cantrell (I)  
52 - 3 North Main Street  
Jasper, GA 30143-1594  
(706)692-2014 No fax

**Tax Commissioner**

Rachel Goss (I)  
52 - 5 North Main Street  
Jasper, GA 30143-1598  
(706)692-2021 (706)692-2850 FAX

1132 Usher Street, Room 338  
Covington, GA 30014  
(770)784-2035 (770)784-2054 FAX

**Tax Commissioner**

Carol B. Harris  
1105 Usher Street, N.E.  
Covington, GA 30014  
(770)784-2020 (770)784-2019 FAX

Tax Due Date: ½ by September 20  
½ by December 20

**PAULDING****Clerk of Superior Court**

Sylvia G. Strickland  
11 Courthouse Square, G2  
Dallas, GA 30132-1401  
(770)443-7527 (770)505-3863 FAX

**Tax Commissioner**

James D. Watts  
Courthouse Square, Room 204 Annex  
Dallas, GA 30132-1494  
(770)443-7581 (770)443-7588 FAX

Tax Due Date: November 15

**PIERCE****Clerk of Superior Court**

Martha G. Dixon  
Pierce County Courthouse  
3550 Highway 84 West  
P. O. Box 588  
Blackshear, GA 31516-0588  
(912)449-2020 (912)449-2024 FAX

**Tax Commissioner**

Jesse Lewis  
Pierce County Courthouse  
3550 Highway 84 West

23 North Main Street  
P. O. Box 113  
Watkinsville, GA 30677-0113  
(706)769-3940 (706)769-3948 FAX  
Email: [sglass@oconee.ga.us](mailto:sglass@oconee.ga.us)

**Tax Commissioner**

Harriette M. Browning  
23 North Main Street  
P. O. Box 106  
Watkinsville, GA 30677-0106  
(706)769-3917 (706)769-3964 FAX  
Email: [hbrowning@oconee.ga.us](mailto:hbrowning@oconee.ga.us)

Tax Due Date: November 15

**PEACH****Clerk of Superior Court**

Joe Wilder  
205 West Church Street  
P. O. Box 389  
Fort Valley, GA 31030-0389  
(912)825-5331 (912)825-2678 FAX

**Tax Commissioner**

Dwight S. Byrd  
205 West Church Street  
P. O. Box 931  
Fort Valley, GA 31030-0931  
(912)825-3161 (912)825-2678 FAX

Tax Due Date: December 20

**PIKE****Clerk of Superior Court**

L. Carolyn Williams  
Courthouse, 100 Barnesville Street  
P. O. Box 10  
Zebulon, GA 30295-0010  
(770)567-2000 (770)567-2017 FAX

**Tax Commissioner**

Donna Wynn  
Courthouse, 100 Barnesville Street  
P. O. Box 217  
Zebulon, GA 30295-0217

Tax Due Date: November 15

P. O. Drawer 192  
Blackshear, GA 31516-0192  
(912)449-2026 (912)449-2006 FAX

(770)567-2001 (770)567-2019 FAX

Tax Due Date: December 20

Tax Due Date: November 20

Back to Top**POLK**

**Clerk of Superior Court**  
Sandra W. Galloway  
Polk County Courthouse #1, Room 106  
100 Prior Street  
P. O. Box 948  
Cedartown, GA 30125  
(770)749-2114 (770)749-2148 FAX

**Tax Commissioner**  
Daniel F. Casey, Sr.  
Polk County Administration Building  
144 West Avenue, Suite A  
Cedartown, GA 30125  
(770)749-2125 (770)749-2149 FAX

Tax Due Date: December 1

**QUITMAN**

**Clerk of Superior Court**  
Rebecca Fendley  
Courthouse, Main Street  
P. O. Box 307  
Georgetown, GA 31754-0307  
(912)334-2578 (912)334-2151 FAX

**Tax Commissioner**  
Theresa D. Balkcom  
Courthouse, Main Street  
P. O. Box 35  
Georgetown, GA 31754-0035  
(912)334-9000 (912)334-2151 FAX

Tax Due Date: December 20

Back to Top**RICHMOND**

**Clerk of Superior Court**  
Elaine Johnson  
503 City-County Building

**PULASKI**

**Clerk of Superior Court**  
Woodson Daniel  
350 Commerce Street  
P. O. Box 88  
Hawkinsville, GA 31036-0060  
(912)783-1911 (912)892-3308 FAX

**Tax Commissioner**  
Diane D. Lancaster  
350 Commerce Street  
P. O. Box 448  
Hawkinsville, GA 31036-0448  
(912)783-2811 (912)783-0696 FAX

Tax Due Date: December 20

**RABUN**

**Clerk of Superior Court**  
Joe B. Jarrard  
25 Courthouse Square, Box 7  
Clayton, GA 30525-0893  
(706)782-3615 (706)782-7588 FAX

**Tax Commissioner**  
Icie G. Hamilton  
25 Courthouse Square, Box 16  
Clayton, GA 30525-0806  
(706)782-3613 (706)782-7588 FAX

Tax Due Date: December 20

**ROCKDALE**

**Clerk of Superior Court**  
Joanne Caldwell  
922 Court Street

**PUTNAM**

**Clerk of Superior Court**  
Sheila Layson  
100 South Jefferson Avenue  
Eatonton, GA 31024-1095  
(706)485-4501 (706)485-2515 FAX

**Tax Commissioner**  
June L. McLeroy  
108 S. Madison Avenue, Suite 100  
Eatonton, GA 31024-1089  
(706)485-5441 (706)485-2527 FAX

Tax Due Date: November 15

**RANDOLPH**

**Clerk of Superior Court**  
Wynelle P. Wood-Rineer  
208 Court Street  
P. O. Box 98  
Cuthbert, GA 31740-0098  
(912)732-2216 (912)732-5881 FAX.

**Tax Commissioner**  
Carolyn D. Taylor  
208 Court Street  
P. O. Box 323  
Cuthbert, GA 31740-0323  
(912)732-2881 (912)732-5781 FAX

Tax Due Date: December 20

**SCHLEY**

**Clerk of Superior Court**  
Ginger G. Eubanks  
200 South Broad Street, Courthouse Square

Augusta, GA 30911  
(706)821-2447 (706)821-2448 FAX

**Tax Commissioner**

Jerry Saul  
117 City-County Building  
Augusta, GA 30911  
(706)821-2391 (706)821-2419 FAX

Tax Due Date: November 15

P. O. Box 937  
Conyers, GA 30012  
(770)929-4021 (770)929-4110 FAX

**Tax Commissioner**

Dan Ray  
969 Pine Street  
P. O. Box 1497  
Conyers, GA 30012  
(770)929-4152 (770)785-6826 FAX

Tax Due Date: ½ due October 20  
½ due December 20

P. O. Box 7  
Ellaville, GA 31806-0007  
(912)937-5581 (912)937-5047 FAX

**Tax Commissioner**

Pam G. Register  
200 South Borad, Courthouse Square  
P. O. Box 326  
Ellaville, GA 31806-0326  
(912)937-2689 (912)937-5880 FAX

Tax Due Date: December 20

**SCREVEN**

**Clerk of Superior Court**

Edith B. Pullen  
216 Mims Road  
P. O. Box 156  
Sylvania, GA 30467-0156  
(912)564-2614 (912)564-2622 FAX

**Tax Commissioner**

M. Donald Jamerson  
216 Mims Road  
P. O. Box 86  
Sylvania, GA 30467-0086  
(912)564-2206 (912)564-2562 FAX

Tax Due Date: December 20

[Back to Top](#)

**STEPHENS**

**Clerk of Superior Court**

Aubre Grafton  
County Courthouse  
Toccoa, GA 30577  
(706)886-9496 (706)886-5710 FAX

**Tax Commissioner**

Vickie Whitworth  
Courthouse Annex, Tugalo Street  
P. O. Box 187  
Toccoa, GA 30577  
(706)886-6343 (706)886-0643 FAX

Tax Due Date: December 20

**SEMINOLE**

**Clerk of Superior Court**

Sylvia G. James  
Courthouse, 200 South Knox Avenue  
P. O. Box 672  
Donalsonville, GA 31745  
(912)524-2525 (912)524-8883

**Tax Commissioner**

Gloria H. Fain  
Courthouse, 200 South Knox Avenue  
Donalsonville, GA 31745  
(912)524-2238 (912)524-8644 FAX

Tax Due Date: December 20

**STEWART**

**Clerk of Superior Court**

Jerry E. Kelley  
Courthouse, Broad Street  
P. O. Box 910  
Lumpkin, GA 31815-0910  
(912)838-6220 (912)838-4505 FAX

**Tax Commissioner**

Kay Skellie  
Courthouse, Broad Street  
P. O. Box 245  
Lumpkin, GA 31815-0245  
(912)838-4267 No fax

Tax Due Date: December 20

**SPALDING**

**Clerk of Superior Court**

Myrtle F. Peeples  
132 East Solomon Street (30223)  
P. O. Box 163  
Griffin, GA 30224-0163  
(770)467-4745 No fax

**Tax Commissioner**

Sylvia W. Hollums  
P. O. Box 186  
Griffin, GA 30224-0186  
(770)228-9900

Tax Due Date: November 15

**SUMTER**

**Clerk of Superior Court**

Nancy C. Smith  
Courthouse, 500 West Lamar Street  
P. O. Box 333  
Americus, GA 31709-0333  
(912)924-5626 No FAX

**Tax Commissioner**

Dan McGowan  
Courthouse, 500 West Lamar Street  
P. O. Box 1044  
Americus, GA 31709-1044  
(912)924-6938 (912)924-6930 FAX

Tax Due Date: December 20

**TALBOT****Clerk of Superior Court**

Linda Lucas  
 Courthouse Square, Washington Street  
 P. O. Box 325  
 Talbotton, GA 31827-0325  
 (706)665-3239 (706)665-8637 FAX

**Tax Commissioner**

William Huff, III  
 Courthouse Square, Washington Street  
 P. O. Box 147  
 Talbotton, GA 31827-0147  
 (706)665-3280 (706)665-8378 FAX

Tax Due Date: December 20

[Back to Top](#)

**TAYLOR****Clerk of Superior Court**

Robert E. Taunton, Jr.  
 1 Courthouse Square  
 P. O. Box 248  
 Butler, GA 31006-0248  
 (912)862-5594 (912)862-5334 FAX

**Tax Commissioner**

Peggy Wilson  
 1 Courthouse Square  
 P. O. Box 446  
 Butler, GA 31006-0446  
 (912)862-3637 (912)862-5334 FAX

Tax Due Date: December 20

**THOMAS****Clerk of Superior Court**

David Hutchings, Jr.  
 Courthouse, 225 North Broad Street  
 P. O. Box 1995  
 Thomasville, GA 31799-1995  
 (912)225-4108

**Tax Commissioner**

Shirley Prevatt  
 101 South Broad Street

**TALIAFERRO****Clerk of Superior Court**

Sandra S. Greene  
 113 Monument Street  
 P. O. Box 182  
 Crawfordville, GA 30631-0182  
 (706)456-2123 (706)456-2904 FAX

**Tax Commissioner**

Kaye M. Jackson  
 113 Monument Street  
 P. O. Box 333  
 Crawfordville, GA 30631  
 (706)456-2520 (706)456-2904 FAX

Tax Due Date: December 20

**TELFAIR****Clerk of Superior Court**

Laura Neal  
 Courthouse Square  
 McRae, GA 31055-1604  
 (912)868-6525 (912)868-7956 FAX

**Tax Commissioner**

Rosa Williamson  
 Courthouse Square  
 McRae, GA 31055-1604  
 (912)868-6545 (912)868-7956 FAX

Tax Due Date: December 20

**TIFT****Clerk of Superior Court**

Gwen C. Pate  
 Courthouse, 2nd Street and Tift Avenue  
 P. O. Box 354  
 Tifton, GA 31793-0354  
 (912)386-7810 (912)386-7815 FAX

**Tax Commissioner**

Gene Goode  
 Administrative Building, Room 106

**TATTNALL****Clerk of Superior Court**

Debbie Crews  
 108 Brazeal Street  
 P. O. Box 59  
 Reidsville, GA 30453-0059  
 (912)557-6716 (912)557-4552 FAX

**Tax Commissioner**

Don P. Cobb  
 108 Brazell Street  
 P. O. Box 920  
 Reidsville, GA 30453-0920  
 (912)557-6736 (912)557-3858 FAX

Tax Due Date: December 20

**TERRELL****Clerk of Superior Court**

Louise B. Darley  
 Courthouse, 235 East Lee Street  
 P. O. Box 189  
 Dawson, GA 31742-0189  
 (912)995-2631 (912)995-6453 FAX

**Tax Commissioner**

Peggy H. Pritchard  
 187 East Lee Street  
 P. O. Box 484  
 Dawson, GA 31742-0484  
 (912)995-5151 (912)995-5529 FAX

Tax Due Date: December 20

**TOOMBS****Clerk of Superior Court**

Chess Fountain  
 Courthouse, 100 Courthouse Square  
 P. O. Drawer 530  
 Lyons, GA 30436-0530  
 (912)526-3501

**Tax Commissioner**

Glenda L. Williams  
 Courthouse, 100 Courthouse Square

P. O. Box 2175  
Thomasville, GA 31799-2175  
(912)225-4136 (912)225-4123 FAX

Tax Due Date: December 20

[Back to Top](#)

## TOWNS

Clerk of Superior Court  
Cecil Ray Dye  
48 River Street, Suite E  
Hiawassee, GA 30546  
(706)896-2130 (706)896-4628 FAX

**Tax Commissioner**  
Bruce Wilson  
48 River Street, Suite H  
Hiawassee, GA 30546  
(706)896-2267 (706)896-1680 FAX

Tax Due Date: December 20

## TURNER

Clerk of Superior Court  
Linda T. House  
219 East College Avenue, Room #3  
P. O. Box 106  
Ashburn, GA 31714-0106  
(912)567-2011 (912)567-0450 FAX

**Tax Commissioner**  
Charles F. Evans  
208 East College Avenue  
P. O. Box 846  
Ashburn, GA 31714-0846  
(912)567-3636 (912)567-4794 FAX

Tax Due Date: December 20

[Back to Top](#)

## UPSON

Clerk of Superior Court  
Nancy Adams

P. O. Box 930  
Tifton, GA 31793-0930  
(912)386-7820 (912)386-7833 FAX

Tax Due Date: November 15

## TREUTLEN

Clerk of Superior Court  
Curtis J. Rogers, Jr.  
Courthouse Square, 200 Georgia Avenue  
West  
P. O. Box 356  
Soperton, GA 30457-0356  
(912)529-4215 (912)529-6062 FAX

**Tax Commissioner**  
Wayne H. Sumner  
Courthouse Square, 200 Georgia Avenue  
West  
P. O. Box 123  
Soperton, GA 30457-0123  
(912)529-3213 No FAX

Tax Due Date: December 20

## TWIGGS

Clerk of Superior Court  
Patti H. Grimsley  
109 East Main Street  
P. O. Box 228  
Jeffersonville, GA 31044-0228  
(912)945-3350 (912)945-6751 FAX

**Tax Commissioner**  
E. Walton NeSmith  
101 Magnolia Street  
P. O. Box 187  
Jeffersonville, GA 31044-0187  
(912)945-3359 (912)945-3569 FAX

Tax Due Date: December 20

## WALKER

Clerk of Superior Court  
William (Bill) McDaniel

P. O. Box 458  
Lyons, GA 30436-0458  
(912)526-8575 (912)526-5882 FAX

Tax Due Date: December 20

## TROUP

Clerk of Superior Court  
Ramona Ward  
118 Ridley Avenue (30240)  
P. O. Box 1149  
LaGrange, GA 30241-1149  
(706)883-1740 No fax

**Tax Commissioner**  
Ellis C. Smith  
900 Dallis Street (30240)  
P. O. Box 1149  
LaGrange, GA 30241-1149  
(706)883-1620 (706)883-1606 FAX

Tax Due Date: November 15

## UNION

Clerk of Superior Court  
Allen Conley  
114 Courthouse St., Suite 5  
Blairsville, GA 30512  
(706)745-2611 (706)745-3822 FAX

**Tax Commissioner**  
J. W. Payne  
114 Courthouse St., Suite 3  
Blairsville, GA 30512  
(706)745-2260 (706)781-2574 FAX

Tax Due Date: December 20

## WALTON

Clerk of Superior Court  
Kathy Keese Trost

116 West Main Street  
P. O. Box 469  
Thomaston, GA 30286-0468  
(706)647-5847 (706)647-8999 FAX

**Tax Commissioner**  
Jimmy McKinley  
116 West Main Street  
P. O. Box 409  
Thomaston, GA 30286-0409  
(706)647-8931 (706)647-5568 FAX

Tax Due Date: December 20

Walker County Courthouse  
103 South Duke Street, Room 103  
P. O. Box 448  
LaFayette, GA 30728-0448  
(706)638-1742 No FAX

**Tax Commissioner**  
Melba Powell  
203 South Main Street, Annex 3  
P. O. Box 628  
LaFayette, GA 30728-0628  
(706)638-2929 (706)638-1001 FAX

Tax Due Date: December 20

115 South Broad Street  
P. O. Box 745  
Monroe, GA 30655-0745  
(770)267-1305 (770)267-1365 FAX  
Email: [ktrost@co.walton.ga.us](mailto:ktrost@co.walton.ga.us)

**Tax Commissioner**  
Mearon Queen  
100 North Broad Street  
P. O. Box 767  
Monroe, GA 30655-0767  
(770)267-1474 (770)267-1441 FAX  
Email: [mqueen@co.walton.ga.us](mailto:mqueen@co.walton.ga.us)

Tax Due Date: November 15

## WARE

**Clerk of Superior Court**  
Betty B. Kennedy  
800 Church Street, Room 108  
P. O. Box 776  
Waycross, GA 31502-0776  
(912)287-4340 (912)287-2498 FAX

**Tax Commissioner**  
Faye W. Booth  
800 Church Street, Room 109  
Waycross, GA 31501-3594  
(912)287-4305 (912)287-4468 FAX

Tax Due Date: December 20

## Back to Top

## WAYNE

**Clerk of Superior Court**  
Stetson F. Bennett, Jr.  
Courthouse, 174 North Brunswick Street  
P. O. Box 918  
Jesup, GA 31598  
(912)427-5930 (912)427-5939 FAX

**Tax Commissioner**  
Al Szoke  
Courthouse, 174 North Brunswick Street  
P. O. Box 287

## WARREN

**Clerk of Superior Court**  
Martha Frances Hyman  
100 Warren Street  
P. O. Box 346  
Warrenton, GA 30828-0346  
(706)465-2262 (706)465-1808 FAX

**Tax Commissioner**  
Lynnette W. Johnson  
211 North Legion Drive  
P. O. Box 189  
Warrenton, GA 30828-0189  
(706)465-2231 (706)465-1300 FAX

Tax Due Date: December 20

## WEBSTER

**Clerk of Superior Court**  
Tina Blankenship  
Courthouse, Highway 28 West  
P. O. Box 117  
Preston, GA 31824-0117  
(912)828-3525 (912)828-6961 FAX

**Tax Commissioner**  
Lou Heath  
Courthouse, Montgomery Street  
P. O. Box 73

## WASHINGTON

**Clerk of Superior Court**  
Joy H. Conner  
Washington County Courthouse  
Courthouse Square  
P. O. Box 231  
Sandersville, GA 31082-0231  
(912)552-3186 No FAX

**Tax Commissioner**  
Connie B. Tapley  
Washington County Courthouse  
Courthouse Square, Suite 101  
P. O. Box 469  
Sandersville, GA 31082-0469  
(912)552-2144 (912)552-7424 FAX

Tax Due Date: December 20

## WHEELER

**Clerk of Superior Court**  
Michael A. Morrison  
Courthouse, 119 West Pearl Street  
P. O. Box 38  
Alamo, GA 30411-0038  
(912)568-7137 (912)568-7543 FAX

**Tax Commissioner**  
Janice A. Nobles  
Courthouse, 119 West Pearl Street  
P. O. Box 431

Jesup, GA 31598  
(912)427-5910 (912)427-5906 FAX

Tax Due Date: November 15

**WHITE**

Clerk of Superior Court  
Dena Adams  
59 South Main Street, Suite B  
Cleveland, GA 30528  
(706)865-2613 (706)865-7749 FAX

Tax Commissioner  
Cindy Gilreath Cannon  
59 South Main Street, Suite C  
Cleveland, GA 30528  
(706)865-2225 PHONE & FAX

Tax Due Date: December 20

Back to Top

**WILKES**

Clerk of Superior Court  
Mildred Peeler  
23 East Court Street, Room 205  
Washington, GA 30673-1593  
(706)678-2423 (706)678-3716 FAX  
Email: [notify\\_wilkes@mail.gsccca.org](mailto:notify_wilkes@mail.gsccca.org)

Tax Commissioner  
Mary W. Hubbard  
23 East Court Street, Room 204  
Washington, GA 30673-1593  
(706)678-2422 (706)678-1300 FAX

Tax Due Date: December 20

Preston, GA 31824-0073  
(912)828-3690 (912)828-3616 FAX

Tax Due Date: December 20

**WHITFIELD**

Clerk of Superior Court  
Betty Nelson  
300 West Crawford Street  
P. O. Box 868  
Dalton, GA 30722-0868  
(706)275-7450 (706)275-7456 FAX

Tax Commissioner  
Danny W. Sane  
300 West Crawford Street  
Dalton, GA 30720-4290  
(706)275-7510 (706)275-7524 FAX

Tax Due Date: December 20

**WILKINSON**

Clerk of Superior Court  
Cinda S. Bright  
100 Bacon Street  
P. O. Box 250  
Irwinton, GA 31042-0250  
(912)946-2221 (912)946-1497 FAX

Tax Commissioner  
Kevin L. Rauscher  
100 Bacon Street  
P. O. Box 182  
Irwinton, GA 31042-0182  
(912)946-2232 (12)946-1429 FAX

Tax Due Date: December 20

Alamo, GA 30411-0431  
(912)568-7131 PHONE & FAX

Tax Due Date: December 20

**WILCOX**

Clerk of Superior Court  
Wanda Hawkins  
103 North Broad Street  
Abbeville, GA 31001-1000  
(912)467-2442 (912)467-2000 FAX

Tax Commissioner  
Bobby Gibbs, Jr.  
103 North Broad Street  
Abbeville, GA 31001-1000  
(912)467-2025 (912)467-2000 FAX

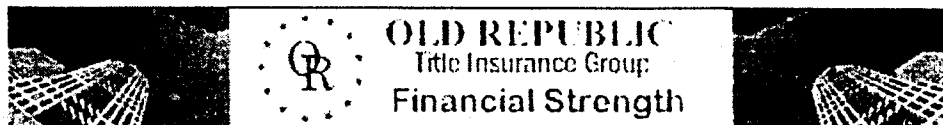
Tax Due Date: December 20

**WORTH**

Clerk of Superior Court  
Vera Kilcrease  
201 North Main Street, Room 13  
Sylvester, GA 31791  
(912)776-8205 (912)776-8232 FAX

Tax Commissioner  
Tony McDonald  
201 North Main Street, Room 15  
Sylvester, GA 31791  
(912)776-8204 (912)776-8251 FAX

Tax Due Date: December 20



**Old Republic Title Insurance Group**  
Lakeview 1, Suite 450 1105 Sanctuary Parkway Alpharetta GA 30004

Tel: 800-282-5972 Fax: 770-475-3343

Email us with your comments or questions about this Web site.

The contents of <http://www.oldrepublictitle.com> are  
© 1998 - 2003, Old Republic National Title Insurance Company, All Rights Reserved

Old Republic Title Internet Privacy Policy

[ [Home Page](#) ] [ [Back One Page](#) ] [ [County Superior Court Clerks and Tax Commissioners A-J](#) ]  
[ [County Superior Court Clerks and Tax Commissioners L-Z](#) ] [ [Training](#) ] [ [Seminars](#) ] [ [Excess Risk Request](#) ] [ [Insurance Quotes](#) ]  
[ [Continuing Education](#) ] [ [Rate Book Order](#) ] [ [Brochure Order](#) ] [ [Recording Fees](#) ]

## REAL ESTATE/LEGAL TERMS

**ABSTRACT OF TITLE** – A condensed history or summary of all transactions affecting a particular tract of land.

**ACCESS** – The right to enter and leave a tract of land from a public way, “Oftentimes the right to enter and leave over the lands of another.”

**ACCESSION** – Adding on. In civil law, the right to all that one’s property produces, not just the property itself.

**ACCRETION** – The slow build up of lands by natural forces such as wind, wave or water.

**ACKNOWLEDGEMENT** – The act by which a party executing a legal document goes before an authorized officer or notary public and declares the same to be his voluntary act and deed.

**ACRE** – A tract of land 208.71 feet square and containing 43,560 square feet of land.

**ADMIT** – see *Copyhold*.

**ADMINISTRATOR** – A person appointed by a probate court to settle the affairs of an individual dying without a will. The term is *administratrix* if such person is a woman.

**AD QUOD DAMNUM** – A writ causing an evaluation of damages that might result from someone’s actions. Example: you wish to dam a creek on your land to power a mill. The pond may damage another’s land.

**ADVERSE POSSESSION** – Gaining title to another’s land by exercising the rights of ownership of that land unchallenged for a period of time, typically on the order of five to ten years, and meeting other requirements (as set by each state).

**AFFIDAVIT** – This instrument is a written sworn statement, executed and (AFF) notarized. This document may be used when there are liens or judgments of record, which are NOP (not our person).

**AIR RIGHTS** – The right to ownership of everything above the physical surface of the land.

**ALIEN** – To transfer (lands, title) to another.

**ALIENATION** – A transfer of title or property to another.

**ALLODIAL** – see *Alodium*.

**ALODIUM** – Land owned independently, without rent or other obligation to another.

**ALTA** – American Land Title Association, a national association of title insurance companies, abstracters and attorneys specializing in real property law which speaks for the title insurance and abstracting industry; with headquarters in Washington, D.C.

**APPURTENANCE** – Anything so annexed to land or used with it that it will pass with the conveyance of the land. Easements, rights of way, or agreements attached to land.

**ARM** – Adjustable Rate Mortgage; see *Variable Rate Mortgage*.

**ASSESSMENT** – The imposition of a tax, charge or levy, usually according to established rates.

**ASSESSOR** – A public official who evaluates property for the purpose of taxation.

**ASSIGNEE** – One to whom a transfer of interest is made. For example; the assignee of a mortgage or contract.

**ASSIGNOR** – One who makes an assignment. For example; the assignor of a mortgage or contract.

**ASSIGNS** – Anyone acting on behalf of or in place of the nominal owner. The owner may have transferred or sold his rights to someone else or appointed an attorney to act on his behalf.

**ASSUMABLE MORTGAGE** – A mortgage, which by its terms, allows a new owner to take over its obligations.

**AT WILL** – Terminable by the lord of the manor at any time.

**BANKRUPT** – A person, who, through a court proceeding, is relieved from the payment of all his debts after surrender of all his assets to a court appointed trustee.

**BARGAIN** – Mutual agreement among two or more people to exchange or purchase goods.

**BARGAIN AND SALE DEED** – A type of deed in which title is transferred but in which there is usually no guarantee as to the validity of title.

**BENEFICIARY (of a trust)** – A person designated to receive some benefit from the trust estate.

**BEQUEST** – A gift of personal property made in a will.

**BOND FOR DEED/TITLE** – A promise to convey land when paid at some point in the future.

**BURGAGE** – A tenure in which burgesses or townsfolk held lands or tenements of the lord, usually for a fixed rent.

**CADASTRAL MAP** - Land ownership map. Generally used for tax purposes.

**CANCELLATION** – This document is recorded to reflect the release of a mortgage or lien by the lien holder. It must contain the appropriate satisfaction language and must be executed by an officer and sealed with the corporate seal or an officer and two witnesses.

**CCRs** – Conditions, Covenants and Restrictions – Stipulations or rules generally written and implemented by a builder or developer for the preservation and appreciation of the value of the property being improved.

**CHAIN** – A term of land measurement being 66 feet in length.

**CHAIN OF TITLE** – A term applied to the past series of transactions and documents affecting the title to a particular parcel of land.

**CHATTEL** – A tangible, movable article of personal property, as opposed to *real property*.

**CLAIM** – see *Entry*.

**CLEAR TITLE** – One, which is not encumbered or burdened with defects.

**CLOUDED TITLE** – An encumbered title.

**COLLATERAL** – Property put up by someone getting a loan. If they fail to repay the loan, the collateral goes to the person granting the loan.

**COLOR OF TITLE** – A deed appearing to convey title but in fact not conveying title, either because the grantor did not have title to convey or because the conveyance was flawed in some way.

**COMMITMENT TO INSURE** – A report issued by a title insurance company, or its agent, committing the title insurance company to issue the form of policy designated in the commitment upon compliance with and satisfaction of requirements set forth in the commitment.

**COMPANY LOAN** – Loan by employer to facilitate relocation of employee. Usually short term.

**CONDEMN** – The taking of privately owned land for public use by eminent domain. In the U.S. just compensation must be provided for any lands thus taken.

**CONDITION OR CONDITIONS** – A proviso in a deed or a will that upon the happening or failure to happen of a certain event, the title of the purchaser or devisee will be limited, enlarged, changed or terminated.

**CONDITIONS AND RESTRICTIONS** – A common term used to designate the uses to which land may not be put and providing penalties for failure to comply. "Commonly used by land sub-dividers on newly platted areas."

**CONDOMINIUM** – A system of individual fee ownership of units in a multi-unit structure, combined with joint ownership of common areas of the structure and land.

**CONSIDERATION** – The money (or other property) used to purchase land.

**CONSOLIDATED MORTGAGE** – Occurs in refinancing. Remaining balance from original mortgage is incorporated into new mortgage.

**CONTRACT FOR DEED** - An agreement to sell and purchase under which title is withheld from the purchaser until such time as the required payments to the seller have been completed.

**CONVEY** – To transfer property or the title to property from one person to another.

**CONVEYANCE** – An instrument by which title to property is transferred; a deed.

**COOPERATIVE** – A residential multi-unit building owned by and operated for the benefit of persons living within.

**COPYHOLD** – A tenancy *at will* that was recorded in a manorial court ownership roll. The lord of the manor maintained the list. Copyholds were not, strictly speaking, inheritable, but were customarily so. The land reverted to the landowner who would then “admit” the heir to the lands of the decedent.

**CORRECTIVE** – This is a warranty deed, which has the word “Corrective Warranty” appearing on the face of the deed, corrects spelling, states the method in Deed: which title was taken, etc. This corrective deed can only correct a warranty deed already appearing of record. It cannot be used to convey title.

**COVENANT** – An agreement written into deeds and other instruments promising performance or non-performance of certain acts, or stipulating certain uses or non-uses of the property.

**CUL DE SAC** – The terminus of a street or alley. “Usually laid out by modern engineers to provide a circular turn around for vehicles. In french ‘*the bottom of the sack*’”.

**CUSTOMARY ESTATE** – see *Copyhold*.

**DEED** – A document giving the holder the title to property. More generally, any document sealing an agreement, contract, etc. The most common types of deeds *Bargain and Sale, Quitclaim, and Warranty*.

**DEED OF TRUST** – A transfer of property to someone to be held in trust for another. More specifically, however, deeds of trust are used in a number of sates instead of a mortgage to secure a loan. The deed of trust names the trustees in whom title is placed as security against failure to meet the terms of the loan.

**DEED POLL** - A deed not indented, that is, a deed made by one party only. See *Indenture*.

**DEED UNDER POWER (DUP)** – A conveyance document which allows the lender, without any further remedy or action, to sell the property as a result of a default on the loan by the borrower(s). All monies resulting from the sell are

applied to the loan balance and are used to satisfy any legal fees and costs incurred as a result of the sell.

**DELIVERY** – the final and absolute transfer of a deed from seller to buyer in such a manner that the seller cannot recall it. A necessary requisite to the transfer of title.

**DEMESNE** – 1) Possession of land as one's own. 2) The part of an estate worked for the owner. 3) Land adjoining the manor house.

**DEMISE** – Generally a synonym for "lease", both noun and verb.

**DEVISE** – The disposition of land by will. "A term used for land alone and never for personal property."

**DOWER** – A wife's interest in her husband's property, inheritable at his death. English probate law set this at 1/3. "Her thirds" was a phrase used for this. In the U.S. it was common for a woman to formally relinquish her dower claim on land sold by the husband. This further guaranteed that the property was clear of all obligations. In some areas the lack of a dower relinquishment at the time of sale was proof that the man was single or widowed. See *Jointure*.

**DUE ON SALE CLAUSE** – Provision in a Mortgage or Deed of Trust which requires loan to be paid in full if property is sold or transferred.

**EARNEST MONEY** – Advance payment of part of the purchase price to bind a contract for property.

**EASEMENT** – An interest in land owned by another that entitles its holder to a specific limited use, such as laying a sewer, putting up electric power lines, or crossing the property.

**EGRESS** – The right to leave a tract of land. "Often used interchangeably with access."

**EJECTMENT** – A suit by an owner to reclaim ownership from a tenant who has overstayed the terms of a lease, Originally it was a suit brought by a fictitious tenant to try the title of the landlord in order to acquire the land under lease.

**EMINENT DOMAIN** – The power of the state to take private property for public use upon payment of just compensation.

**EMOLUMENT** – Profit derived from employment or labor, including wages and other compensation.

**ENCROACHMENT** – A fixture, such as a house, wall or fence, which intrudes upon another's property.

**ENCUMBRANCE** – A burden on a property, generally one that affects the ability to transfer title, or one; which affects the condition of the property. Examples are liens, mortgages, taxes, easements, water rights, etc.

**ENFEOFF** – To invest with an estate held in fee.

**ENFEOFFMENT** – Giving ownership in fee. A deed or legal document giving ownership in fee.

**ENTAIL** – To create a fee tail, or to create one from fee simple.

**ENTRY** – Filing of the intention to get a land grant or patent. This was the first step of a multi-step process of getting land, the other steps generally being Survey, and Grant.

**ESCHEAT** – Land ownership reverting to the Crown, government, or estate owner because of a lack of heirs, devisees and without a will.

**ESCROW** – A procedure whereby a disinterested third party handles legal documents and funds on behalf of a seller and buyer.

**ESSE** – In existence.

**ESTATE** – A property right held by someone. There can be many estates held on a single piece of property, for example, relating to specific uses of the property. Mineral rights, water rights, and so on are examples. Estates can be subordinate (lower in rank) to other estates.

**ET AL** – Latin for, *"and others"*.

**ET UX** – Latin for, *"and wife"*.

**EXAMINATION OF TITLE** – The interpretation of the record title to real property based on the title search or abstract.

**EXCEPTION** – In legal descriptions that portion of lands to be deleted or excluded. "The term is often used in a different sense to mean an objection to title or encumbrance on title."

**EXECUTOR** – A person appointed by the probate court to carry out the terms of a will. The term is *executrix* if such person is a woman.

**EXECUTOR'S DEED** – This instrument conveys property from an estate and is executed by (EXE) the appointed Executor/Executrix of the estate, witnessed and notarized.

**EXTENDED MORTGAGE** – One in which due date of mortgage is extended for a longer period. Often at a higher interest rate than the original mortgage.

**FANNIEMAE** – Federal National Mortgage Association. One of the largest purchasers and sellers of loans sold on the secondary market. It was founded by Congress to purchase and sell residential mortgages insured by FHA or guaranteed by VA as well as conventional mortgages.

**FEDERAL TAX** – This instrument is used to attach a lien to the subject property for non-payment of federal (estate, etc.) income taxes. This is the only lien that is not automatically released when a foreclosure is taken place unless the foreclosure is a judicial (court ordered) foreclosure.

**FEE** – Heritable land held in return for service to a lord.

**FEE SIMPLE** – Ownership of land that can be inherited by any heirs. “*To hold in fee*”, means to possess.

**FEE SIMPLE ESTATE** – The greatest interest in a parcel of land that it is possible to own. Sometimes designated simply as Fee.

**FEE TAIL** – Ownership of land restricted to a specified class of heirs, generally direct descendants.

**FEM COVERT** – A married woman.

**FEOFF** – See *Fee*.

**FEOFFMENT** – Transfer of inheritable real property.

**FEOFFEE** – One who benefits from a fief.

**FEUD** – See *Fee*.

**FEUDAL SYSTEM** – The system of land holding in exchange for service, ultimately to the king.

**FHA – Federal Housing Administration.** A division of the Department of Housing and Urban Development. This institution insures residential mortgage.

**FIEF – See *Fee*.**

**FIERI FACIAS –** A common law writ to enforce collection of a debt. Typically executed by the sheriff, the property of the debtor is sold to satisfy the claim.

**FINANCING STATEMENT –** A document prepared for filing with the Register of Deeds or Secretary of State indicating that personal property or fixtures are encumbered with a debt.

**FIXTURES –** Any item of property so attached to real property that it becomes a part of the real property.

**FmHA – Farmers Home Administration.** This government agency was formed by the Department of Agriculture and provides financing to farmers and other qualified borrowers who are unable to meet the guidelines imposed by other lending institutions.

**FORECLOSURE –** A legal procedure, in which property, which has been pledged as security for the repayment of the loan, is sold to pay the defaulting borrower(s) debt.

**FORFEITURE OF TITLE -** Provision in a Deed creating a condition, which will cause title to be passed to another in the event certain circumstances occur.

**FREDDIEMAC (FHLMC) – Federal Home Loan Mortgage Corporation.** A government agency, which purchases and sells conventional mortgages on the secondary market from insured depositories and mortgage bankers approved by HUD.

**FREEHOLD – See *Fee Simple*.**

**GINNIEMAE (GNMA) – Government National Mortgage Association.** Formed by Congress in 1968 to provide special assistance loan programs. Also responsible for issuing mortgage-backed securities.

**GRADUATED PAYMENT MORTGAGE –** A loan in which monthly payments are relatively small in the beginning years and gradually increase in dollar amount over the life of the mortgage.

**GRANT** – Transfer of title from the government to the first titleholder of a piece of property. This term is generally used by states and the federal government. See also *Patent*.

**GRANTEE** – A person who acquires an interest in land by deed, grant, or other written instrument.

**GRANTOR** – a person, who, by a written instrument, transfers to another an interest in land.

**GUARDIAN** – One appointed by the court to administer the affairs of an individual not capable of administering his own affairs.

**HARBOR LINE** – An arbitrary line set by authorities on navigable rivers, beyond which wharves and other structures may not be built, also designated as line of navigation.

**HEADRIGHT** – A Virginia system of land patents, prevalent in the 1600's in which immigrants, including minor children, were entitled to 50 acres of land apiece. It was customary for the person paying passage to claim the headright, though the right appears to belong to the immigrant. Headrights could be sold or assigned to others. A headright system was also used in other states including South Carolina and Georgia.

**HEIR** – One who might inherit or succeed to an interest in land under the rules of law applicable where an individual dies without leaving a will.

**HEREDITAMENT** – Anything that can be inherited. A corporeal hereditament is tangible real or personal property that can be inherited. An incorporeal hereditament includes intangible appurtenances, rents, and the like.

**HIATUS** – A gap or space unintentionally left between, when attempting to describe adjacent parcels of land.

**HOME OWNER'S ASSOCIATION (HOA)** – A group of Homeowner's within a development whose purpose is to provide community facilities and services for the common use and enjoyment of the members of the subdivision. Any fees for these services are paid to the association by the homeowner. If these dues are not paid and become delinquent, the HOA may attach a lien to the property as security for the payment of these dues. It is very important that the closing attorney confirm in writing that all dues are current as of the date of closing.

**HOME REPAIR LOAN** – Used for repairs and additions to existing structures without affecting existing mortgage. Typically 10 years or less in length.

**IMPORTATION RIGHT** – See *Headright*.

**IMPROVE** – To make land more valuable by clearing and planting. Land that was not improved by the owner might revert to the government.

**IMPROVEMENTS** – Those additions to raw lands tending to increase value such as buildings, streets, sewer, etc.

**INCHOATE DOWER** – The imperfect interest, which the law gives a wife in the lands of her husband. “This is an interest which upon the death of the husband may ripen into possession and use.

**INCHOATE CURTESY** – The imperfect interest, which the law gives a husband in the lands of his wife. “This is an interest which upon the death of the wife may ripen into possession and use.”

**INCUMBRANCE** – See *Encumbrance*.

**INDEFEASIBLE ESTATE** – An estate that cannot be changed under any circumstances.

**INDEMNIFY** – To make payment for a loss.

**INDENTURE** – A written agreement.

**INGRESS** – The right to enter a tract of land. “Often used interchangeably with access.”

**IN PERSONAM** – A legal action against a person.

**IN REM** – A legal action to affect the interests of people in a thing such as a parcel of land. Examples would be partitioning an estate or foreclosing.

**INSURANCE** – A contract of indemnity against specified perils.

**INSURANCE LOAN** – When cash value of life insurance policy is borrowed by insured.

**INTANGIBLE PROPERTY** – The opposite of tangible property. Examples are property rights, easements, copyrights and other things of value that have no physical presence. Also, certificates or other items that have no inherent value but which represents something physical.

**INTANGIBLE TAX** – A state imposed tax based on the loan amount reflected on the Security instrument.

**INTERIM FINANCING** – Temporary or short term loans. Often used with new construction. Usually replaced with a permanent, long-term mortgage.

**INTESTATE** – Having no will. If someone dies intestate, the court appoints an administrator to settle the estate.

**INSTRUMENT** – Legal document.

**INVESTITURE** – See *Livery of Seizin*.

**JOINT TENANCY** – Where two or more persons hold real estate jointly for life, the survivors to take the interest of the one who dies. “JTWROS”

**JOINTURE** – Property given to a prospective wife, to be enjoyed by her at her husband’s death. Differs from dower in the way in which her future is protected.

**JUDGMENT** – A decree of a court. “In practice this is the lien or charge upon the lands of a debtor resulting from the Court’s award of money to a creditor.”

**JUDGMENT DOCKET** – The record book of a County Clerk where a judgment is entered in order that it may become a lien upon the property of the debtor.

**JUDGMENT LIEN** – The charge upon the lands of a debtor resulting from the decree of a court properly entered in the judgment docket.

**LAND CONTRACT** – See *Contract for Deed*.

**LANDMARK** – Any conspicuous object that helps establish land boundaries.

**LEASE** – A grant of the use of lands for a term of years in consideration of the payment of a monthly or annual rental.

**LEASE AND RELEASE** – A practice in early Virginia that is equivalent to a sale. It was accomplished by a two-step process of leasing the property in question to the buyer, then releasing the buyer of the lease obligation.

**LENDER’S POLICY** – See *Mortgagee’s Policy*.

**LESSEE** – One who takes lands upon a lease.

**LESSOR** – One who grants lands under a lease.

**LIEN** – A charge or claim upon someone's property as security for a debt. A lien does not confer title. The law recognizes the right to have a debt satisfied out of someone's property.

**LIFE ESTATE** – A grant or reservation of the right of use, occupancy and ownership for the life of an individual, or some other person. The property is returned to another party or an estate upon the death of the beneficiary.

**LINK** – A term of land measurement being 1/100<sup>th</sup> of a chain or 66/100ths of a foot.

**LIS PENDENS** – A notice recorded in the official records of a county to indicate that a suit is pending affecting the lands where the notice is recorded.

**LIVERY** – Delivery of ownership.

**LIVERY OF SEIZIN** – An open and 'notorious' public ceremony conferring ownership of a freehold estate.

**LOCATOR** – A person who determines or establishes the boundaries of land or a mining claim.

**LOSS PAYABLE CLAUSE** – Provision added to a Fire and Casualty Policy, which says any loss will be paid to two or more parties as their interest may appear. Usually the owner and the mortgage lender.

**LOT** – A measured parcel of land having fixed boundaries.

**MAJORITY** – The age at which a person is entitled to handle his own affairs.

**MARKETABLE TITLE** – A good title about which there is no fair or reasonable doubt.

**MECHANIC'S LIEN** – A lien allowed by statute to contractors, laborers and material-men on buildings, or other structures upon which work has been performed or materials supplied.

**MESSUAGE** – A dwelling house with its adjacent buildings and lands appropriated to the use of the household.

**METES AND BOUNDS** – A description of land by courses and distances.

**MINOR** – One who because of insufficient age or status is legally incapable of making contracts.

**MOIETY** – One half. One of two equal parts. A share or portion.

**MONUMENT OF SURVEY** – Visible marks or indications left on natural or other objects indicating the lines and boundaries of a survey. May be posts, pillars, stones, Cairns, and other such objects, but may also be fixed natural objects, blazed trees, roads and even a watercourse.

**MORE OR LESS** – This term is frequently used in deeds to qualify acreage, e.g. “50 acres, being the same more or less”. Even accurate surveys have some error in the calculation of area and this phrase recognizes that fact.

**MORTGAGE** – Today we think of this as a secured loan. With a mortgage, if the borrower fails to pay the mortgage note off, the mortgagor must successfully sue in order to sell the property and recover the loan.

**MORTGAGE REVENUE BONDS** – Issued by communities as a means of providing lower cost mortgage funds to certain qualified borrowers.

**MORTGAGEE** – A designation for the mortgage lender on lands.

**MORTGAGEE'S POLICY** – A form of title insurance policy which insures the validity, enforceability and priority. This form does not provide protection for the owner.

**MORTGAGEE OPEN-END MORTGAGE** – The lending institution is a mortgage loan transaction. A mortgage, which provides for increases in the outstanding loan amount as agreed upon by the borrower(s) and the lender.

**MORTGAGOR** – A borrower(s) or owner(s) of property who have pledged their property as security for the repayment of a loan.

**MUTATION** – In India, the process of legally changing a parcel's owner.

**NEGATIVE AMORTIZATION** – An actual increase in the principal amount of a real estate loan because of the addition of matured but unpaid interest to the loan balance. Usually the result of monthly payments which are temporarily set at a lower than needed level.

**NOTARY** – One authorized to take acknowledgements.

**OWNERS POLICY** – A policy of title insurance, which insures a named owner against loss by reason of defects, liens and encumbrances or lack of marketability of the title. The company also agrees to defend covered claims made against the title.

**OWNERSHIP** – The right to possess and use property to the exclusion of others.

**PARCEL** – A piece of land. A tract.

**PATENT** – A document or grant by which the Federal or State government originally transferred title to public lands to an individual. The first in the series of transfers by which title comes down to present owners.

**PERFECTING TITLE** – The elimination of any claims against a title.

**PHA** – Public Housing Authority – A public agency created by the state government to assist in the financing of low-income housing.

**PLAT OR PLOT** – A map representing a piece of land subdivided into lots with streets shown thereon.

**PLANTING AND SEATING** – See *Improve*.

**P.M.I.** – Private Mortgage Insurance. An insurance contract, which insures that the named lender will recover a specific percentage of the loan amount from the insurer in the event, the loan goes bad. Many lenders require this on higher percentage loans.

**POINTS** – A one-time special fee or extra charge paid to a lender in order to secure a loan. Expressed as a percentage of face amount of mortgage.

**POLICY** – A written contract of title insurance.

**POLICYOWNER** – One who owns a title insurance policy.

**POSSE** – In the future or which might exist in the future.

**POSSESSORY** – Relating to ownership.

**POWER OF ATTORNEY** – An instrument authorizing another to act on one's behalf as his agent or attorney.

**POWER OF SALE** – A clause inserted in a will, deed of trust or trust agreement authorizing the sale or transfer of land in accordance with the terms of the clause.

**PREMISES** – A somewhat fluid term meaning land and its appurtenances, or land and its building and structures.

**PROBATE** – The process of proving a descendant's will and settling the estate. Neighbors, who would later swear in court that they saw the decedent sign the will prior to death, typically witnessed the signing of a will. This "proved" that the will was actually that of the decedent.

**PROPERTY** – Any kind of thing which has a value and which one can exercise the rights of ownership upon, including possession, use and disposal.

**PROPERTY TAX LIEN** – A recorded lien attached to the property as security for the payment of the ad valorem (property) taxes assessed by the city of county in which the property lies.

**PRO-RATE** – To allocate between seller and buyer their appropriate share of an obligation paid or due. "For example, a pro-rate of real property taxes or fire insurance premiums."

**PUD RIDER** – Planned Unit Development (PUD). A subdivision having common areas reserved for the use and enjoyment of the owners.

**QUIET TITLE** – An action in a proper Court to remove record defects or possible claims of other parties named in the action.

**QUITCLAIM DEED** – A common type of deed in which the seller relinquishes claim to whatever rights were held on the property, but does not guarantee that the property is actually free of claims by others.

**QUITRENT** – A rent paid in lieu of required feudal services. The quitrent can be considered a real estate tax.

**RANGE** – A part of the government survey. Being a strip of land 6 miles in width, and numbered east or west of the principal meridian.

**REAL PROPERTY** – Land and anything permanently in or attached to the land as well as benefits and rights to the land.

**REALTY** – A brief term for real property.

**RECORD** – A document or the original security instrument to release or satisfy the debt and remove or eliminate the lien from the public records.

**REDEEM** – Literally “to buy back”. The act of buying back lands after a mortgage foreclosure, tax foreclosure, or other execution sale.

**REGISTERED LAND** – See *Torrens Title* below.

**REINSURANCE** – To insure again by transferring to another insurance company all or part of an assumed liability, thus spreading the loss risk anyone company has to carry.

**REMAINDER** – Transfer of ownership to someone on the death of another. For example, land may be sold to person A for use during their lifetime, but then remaindered to person B at the death of A.

**REO** – Real Estate Owned. A term used by financial lending institutions describing their ownership of property, which has been foreclosed.

**REPLEVIN** – An action for recovery of property that has been illegally withheld from the rightful owner, plus damages for its detention. This is generally not an action to recover the value of the withheld property, but the actual property itself.

**REVERSIONARY CLAUSE** – A clause, which stipulates rules, which are to be strictly followed by the owners of the land or the property, will revert to the party (or heirs) who originally imposed the restrictions. These restrictions do not expire without expressed written consent of the imposer or his/her/their heirs. The restrictions pass each time title is conveyed.

**REVERT** – Return of ownership to a former owner (or heirs).

**RIGHT-OF-WAY** – The right, which one has to pass across the lands of another. An easement.

**RIPARIAN** – Rights to use of water and waterways in adjoining lakes or rivers.

**ROOM** – “in the room of” means in the place of, instead of.

**RTV** – Record Title Vesting. Initials commonly used by attorneys and abstractors to make reference to the party who is currently reflected on title as owner of property.

**SAM – Shared Appreciation Mortgage –** A loan program in which the borrower is offered a below market interest rate in return for which the lender receives a percentage of any future appreciation in the value of the property.

**SCIRE FACIAS –** A writ requiring a party to show why a judgment should not be vacated, executed, or annulled.

**SECOND MORTGAGE –** A second loan on real estate that already has a mortgage. It is subordinate to the first mortgage. Usually of shorter term and often at higher interest rate.

**SECTION OR SECTION OF LAND –** A parcel of land comprising one square mile or 640 acres.

**SECURITY DEED –** This instrument is used to secure the property being used for the (SD) collateral of the loan. It must contain the correct names of the borrower(s) as well as that correct name and address of the lender. It must also be executed by the borrower(s), witnessed (2) and notarized. The borrower(s) name(s) should be typed as they appear on the Warranty Deed. Along with the recorded Security Deed, Riders (document which modify or change a condition of the terms of the Security instrument) may be attached. The “Waiver of Borrower’s Rights and Closing Attorney’s Affidavit” will also be recorded. This instrument is executed by the borrower(s), the closing attorney, a witness and a notary public. It allows the lender to foreclose on the property without having to go to a court of law.

**SEISED/SEIZED –** Legally owning and possessing real property.

**SEISIN/SEIZIN –** Ownership or ‘in fact’ possession of a freehold estate. Inferred here is an increasing degree of ownership with the passage of time, as the possessor makes productive use of the land. Seizin was originally not an estate, but a way to gain one, as by adverse possession. This is rooted in the roman concept that whoever worked the land should be its owner.

**SERGEANTRY –** Non-military service to a lord in exchange for land.

**SET BACK LINES –** Those lines, which delineate the required distances for the location of structures in relation to the perimeter of the property.

**SOCAGE –** Holding of land by a tenant in return for fixed payment or for non-military service to the lord. This system was eventually replaced by our system of taxation.

**SOKE –** The jurisdiction of a court.

**STRAW DEED, STRAWMAN DEED** – Two deeds filed in succession, the first from party A to party B, second from B back to A. This was used to sidestep legal restrictions of sales between spouses or joint owners, or to incorporate a new survey description. Party B is a trusted intermediary, either a close friend or attorney.

**SUBORDINATION AGREEMENT** – This instrument acts as an acknowledgement of a lender who has agreed to have their interest in the property become inferior. Subordination agreements are not only used for mortgages, but also for other debtor instruments, real estate rights and leases.

**SUB-SURFACE RIGHT** – The right of ownership to things lying beneath the physical surface of the property.

**SURVEY** – The process of measuring land to determine its size, location and physical description and the resulting drawing or map.

**TANGIBLE PROPERTY** – The opposite of intangible property. Examples are land or other movable personal property that has a physical reality.

**TAX DEED** – A conveyance deed used by an entity, which has obtained the property by virtue of non-payment of taxes.

**TENANCY BY THE ENTIRETY** – A form of joint tenancy held by husband and wife. Title automatically transfers to the survivor upon the death of one party. Neither party can sell or divide the property without consent of the other.

**TENANCY IN COMMON** – Title held by two or more people where each person can sell their interest without consent of the other owners. There are no rights of survivorship.

**TENANT** – Any person in possession of real property with the owner's permission.

**TENEMENT** – Permanent property, whether concrete or not, such as land, buildings, cars or the stock represented by a stock certificate. In most common usage it means a house or building.

**TESTAMENT** – Another term for a will. Commonly referred to as "last will and testament".

**TESTATE** – The estate or condition of leaving a will at death. "To die testate".

**TESTATOR** – A man who makes or has made a testament or will.

**TESTATRIX** – A woman who makes or has made a testament or will.

**TESTE** – A witness.

**THIRDS** – See *Dower*.

**TITLE** – Legal ownership as evidenced by a deed or other instrument.

**TITLE DEFECT** – Any legal right held by others to claim property or to make demands upon the owner.

**TITLE EXCEPTION** – An item, which appears on a title policy, which the company does not insure.

**TITLE INSURANCE** – Insurance against loss or damage resulting from d effects or failure of title to a particular parcel of real property.

**TITLE INSURANCE POLICY** – A contract by which a title insurance company agrees to pay the insured monies up to a specific amount for any loss caused by a title defect in the property covered by the policy.

**TITLE PLANT** – The total facilities – records, equipment, fixtures, and personnel – required to function as a title insurance operation. Technically, the organization of official records affecting real property into a system, which allows quick and efficient recovery of title information.

**TITLE SEARCH** – An examination of public records, laws and court decisions to disclose the current facts regarding ownership of real estate.

**TORRENS TITLE** – A system whereby, after court proceedings, a certificate is issued setting forth the extent of the applicant's estate in land subject to the exceptions shown. Most popular in the early 1900's, the system was adopted in 19 states. It is presently used only in parts of 6 states.

**TO WIT** – That is to say.

**TOWNHOUSE** – A group of residential units, which have coincidental exterior limits with other similar units. The owner has title to his specific unit as well as an equal, undivided interest in the common areas, which is shared by the other owners.

**TOWNSHIP** – A division of territory 6 miles square, containing 36 sections or 36 square miles.

**TRACT** – A particular parcel of land.

**TRANSFER TAX** – A state and government imposed tax based on the value of the conveyance of land from one party to another. There is no transfer tax paid for property conveyed through a divorce action, convenience or for love and affection.

**TRESPASS** – In common law, a suit to recover damages to one's person, property or rights.

**TRUST** – Confidence placed in someone by giving him or her property to be held or used for another's benefit. The property held in trust.

**TRUSTEE** – An individual to whom another's property is entrusted.

**TRY TITLE** – To test the validity of someone's title to property.

**UCC** – Uniform Commercial Code – A commercial law that regulates commercial transactions.

**VA** – Veterans' Administration – Agency formed to insure mortgage loans made to Veterans by lending institutions which enable veterans to purchase property with little or no money down.

**VACATE** – 1) To set aside or render void, 2) To move out.

**VARIABLE RATE MORTGAGE** – A loan in which the interest rate fluctuates with the cost of funds or some other index.

**VENDEE** – A purchaser of real property under land contract.

**VENDOR** – A seller of real property under land contract.

**VEST** – To pass to a person an immediate right or interest. Title may be said to vest in John Brown.

**VESTEE** – A non-legal term used by title insurers to indicate the owner of real property in a policy or report.

**WAIVER OF LIEN** – An affidavit executed by a contractor or builder attesting to the fact that all labor and materials furnished have been paid in full thereby

guaranteeing that there will be no material man's or mechanic's liens filed against the property.

**WARRANTY** – An agreement and assurance by the grantor of real property for himself and his heirs, to the effect that he is the owner and will be responsible.

**WARRANTY DEED** - This instrument is used to convey the interest in the subject (WD) property from one party to another. The grantor (seller) warrants and guarantees that good, marketable title is being conveyed as opposed to a Quitclaim Deed, which contains no representation or warranty. This document must contain the correct legal description as reflected on the Security Deed. It must reflect the seller(s) name(s) as they currently appear on the records and it must also contain the borrower(s) name(s) as they appear on the Security Deed.

**WILL** – A written document properly witnessed, providing for the distribution of property owned by the deceased.

**WITHOUT RECOURSE** – A real estate term most commonly used during foreclosure. The lender agrees not to seek a personal judgment against the borrower(s) for any deficiency after the proceeds from the sale of property have been applied to the borrower's debt.

**WRAP AROUND MORTGAGE** – A financing technique, which creates a subordinate mortgage that includes the remaining balance due on any existing mortgage(s) plus the amount of the new (second) mortgage.

**WRIT OF FIERA FACIAS** – Document recorded, which reflects monetary damages assessed against a party and/or their property.

**ZONING** – The right of a municipality to regulate and determine the compatible character and use of property.