

A close-up photograph of a hand holding a set of keys. The keys are silver and attached to a ring. The hand is positioned over a document that appears to be a floor plan or architectural drawing. The background is blurred, showing what looks like a desk with papers and a person in a white shirt and tie.

REGISTER OF DEEDS

Legal Issues

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INSTITUTE for PUBLIC SERVICE

Specific Rules for Plats:

- RPC approval required. Exception for divisions of only two lots--secretary may sign. T.C.A. § 13-3-402.
- Seal of registered land surveyor who prepared the document required. T.C.A. § 66-24-116.
- All words and figures must be legible and provide sufficient clarity for reduction and/or reproduction. T.C.A. § 66-24-116.
- Each RPC approved plat must contain the most recent recorded deed book number and page number for each deed constituting part of the property being platted. T.C.A. § 13-3-402.
- Amendments must also be approved by the planning commission. Exception: An easement or survey attached to an easement is not considered to be a change to the plat when the grantee is the state, a county, municipality, metropolitan government, or any entity of such government.
- Plats and plans related to condominiums are treated differently under the Tennessee Condominium Act of 2008, codified in Title 66, chapter 27, parts 2-5.

Requirements for Acceptance



Must include the name and address of the owner and taxpayer if it is a deed.

T.C.A. § 66-24-114.



Must include name and address of preparer.

T.C.A. § 66-24-115.



Must provide reference to previously registered instruments.

T.C.A. § 66-24-110.



Must include parcel identification number.

T.C.A. § 66-24-122.



Must pay transfer or mortgage tax, if due.

T.C.A. § 67-4-409.



Must pay the statutory fees.

T.C.A. § 8-13-111.

Electronic Recordings

- The Uniform Electronic Transactions Act, T.C.A. § 47-10-101 et seq., establishes standards and procedures for the conduct of business transactions via electronic means.
- County officials, including the Register, are specifically given the power under the act to determine whether, and the extent to which, they will send and accept electronic records. T.C.A. § 47-10-118(a)(2).
- Registers are not required to accept electronic transactions.

Electronic Recordings

- The Uniform Real Property Electronic Recording Act (“URPERA”) was adopted in 2007 with the goal of making the electronic recording process more uniform throughout the country.
- Highlights of the URPERA, codified in Title 66, chapter 24, part 2, include:
 - Any sort of original document requirement may be satisfied by an electronic document.
 - Any signature requirement may be met by an electronic signature or a digitized image of a wet signature.
 - Any notary or acknowledgment requirement may be met if the electronic signature or digitized signature of the person notarizing or acknowledging the document is attached or logically associated with the document. Also, a physical or electronic image of the notary stamp or seal does not have to accompany the electronic signature.
 - Registers may take an electronic copy of a paper document as long as the proper certification is attached.
 - Registers may accept fees electronically.
 - Registers may convert recorded paper documents into electronic format.
 - Standards are to be established by the information systems council.

Remote Notary Acknowledgements

- Effective July 1, 2019, persons can appear before a notary either in person or by two-way audio/video communications meeting specifications in rules promulgated by the SOS. The acknowledgment form will specify that the personal appearance was by audio/video communication.
- It is not the Register's responsibility to police this in any way. This is just something you may see and you need to be aware of what it will look like.
- These acknowledgments may also be accompanied by an electronic signature, which means "an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document."
Tenn. Code Ann. § 8-16-302.

Certification of Electronic Documents

- The county register may register a copy of an electronic document if the writing is otherwise eligible for registration and the electronic document is certified as a true and correct copy of the original.
- An electronic document is defined as one of the following:
 - A writing created or retained as an electronic record in accordance with the Uniform Electronic Transactions Act (UETA), compiled in title 47, chapter 10, or the Uniform Real Property Electronic Recording Act (URPERA), compiled in part 2 of this chapter, as codified in this state or a substantially similar law of another state as defined in the URPERA, and transmitted to the county register electronically, or a paper copy of such an electronic record; or
 - A writing that is a digitized image of a paper document (electronic copy) that is transmitted to the county register electronically.

Tenn. Code Ann. § 66-24-101(d).

Gov't Imposter/ Deceptive Ads

Unlawful to advertise or solicit in a way that looks like it is coming from a governmental entity.

Must have a disclaimer.

AG investigates and litigates.

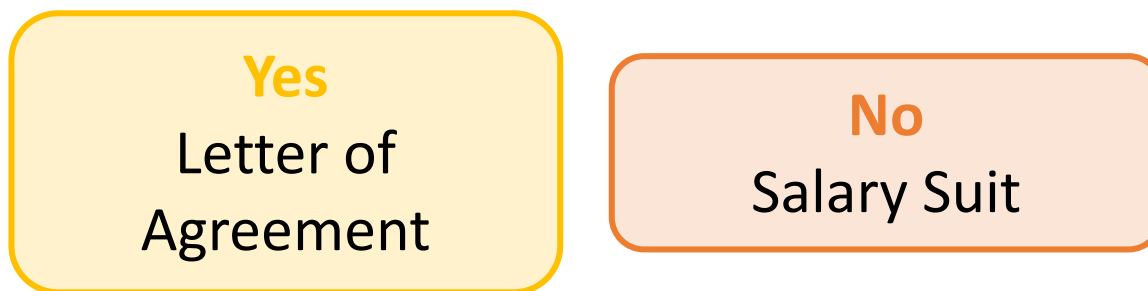
Report violations to AG.
T.C.A. § 47-18-131

Quitclaim Deeds

- Grantee pays on the basis of the actual consideration for the transfer.
- No oath of value is required in any transaction which is exempt. Oath is required for quitclaim deeds because they are NOT EXEMPT—they are taxed differently.

Letter of Agreement/Salary Suit

- Agree with personnel budget?



Either must be done within 30 days of the budget's passing.

*Newly elected officials have 30 days from taking office (Sept 1) to sign letter of agreement or file a salary suit.

Your Budget – Letter of Agreement

- Generally, must have authority other than the county budget resolution before hiring employees.



Sample Letter of Agreement

**LETTER OF AGREEMENT
COMPENSATION OF EMPLOYEES
_____ COUNTY, TENNESSEE**

Pursuant to Tennessee Code Annotated, Section 8-20-101, this agreement by and

between _____ and _____
(Official/Office) (County Mayor)

is for the purpose of establishing the number of employees and the authorized salaries for
the _____
(Office)

The parties named herein have agreed and do hereby enter into this agreement according
to the provisions set forth herein:

A. The term of this agreement will be from _____ to _____
(Beginning Date) (Ending Date)

B. In order to ensure the efficient operation of the office, it is agreed that the official
is authorized to employ the following employees at salaries not to exceed the specified
amounts:

Number of Employees in Job Classification	Job Classification	Annual Salary for Each Employee in Job Classification Not to Exceed
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. It is further agreed that part-time help may be employed at a rate of up to \$_____
an hour with a total cost not to exceed \$_____ for the term of this agreement.

D. The parties agree to the following special provisions: _____
_____.

E. It is further agreed that in no event shall the amount of this agreement exceed
\$_____.

In witness whereof, the parties have set their signatures.

OFFICIAL DATE

COUNTY MAYOR DATE