STANDARDS FOR THE APPROVAL OF
REAL ESTATE TRANSFERS

Whereas, the Gallia County Engineer and County Auditor have been given the authority to establish Real Estate Conveyance Standards for Gallia County as per Ohio Revised Code 319.203, the following standards are hereby adopted to govern descriptions of real estate to be transferred.

It is the intent of these standards to provide a consistent method of review of legal descriptions for deeds, easements, affidavits, and other instruments that require the use of legal descriptions.

The County Engineer and County Auditor desire to provide a service to the public to insure proper and accurate descriptions of property, to correct any errors that are evident, and to insure that property is accurately described for tax purposes.

We understand that all situations cannot be covered by these requirements, when such situations arise they will be handled as special cases interpreted by the County Engineer and County Auditor.

All authors of instruments of conveyance are encouraged to have their descriptions checked by the County Engineer prior to the actual time of conveyance. This will avoid delays and allow time for any corrections necessary. Reviews of surveys and descriptions will be completed normally within three working days. If the grantor certifies on the deed that the description is the same as the most recent conveyance and lists the most current volume and page number, no approval will be needed. However, if this statement does not appear on the deed, the deed will not be transferred until reviewed by the Engineer's Office.

Glenn A. Smith
Gallia County Engineer
Adopted May 28, 1996
Revised 08/31/2000

Larry M. Betz
Gallia County Auditor

REAL ESTATE CONVEYANCE STANDARDS

FOR

GALLIA COUNTY, OHIO

1) All in-lots shown as a duly recorded subdivision in Gallia County shall be designated by the number of the in-lot, and such number shall conform to the numbering appearing on the current Auditor's tax duplicate.

Recognizing the existing duplication of in-lot numbering and that the Auditor's tax duplicate carries many in-lots in separate subdivisions, the name of the subdivision and its plat book and page shall appear in all descriptions.

2) Where a lot in a duly recorded subdivision is conveyed, the lot number and the name of the subdivision and its plat book and page shall appear in the deed.

3) Descriptions of township lots in the original survey of the county shall contain the lot number and the quarter township designation as it appears on the current Auditor's tax duplicate.

Where the existing description calls for less than a lot, the general accepted terms designating a portion less than a lot may be used, i.e. the E ½, S ½, W ½, or N ½ of such lot will be accepted so long as such lot is rectangular in shape.

Portions of such lot described as being a given number of acres off an end or any side of such rectangular lot will be accepted in an existing description.

4) Sections in the original survey of the county shall be designated by number as it appears on the current Auditor's tax duplicate. Where the description is for less than a section, the generally accepted terms designating a portion less than a section may be used, i.e. "NW ¼ Sec 10", or the "SW ¼ of the NW ¼ of Sec 10", or the "E ½ of the NW ¼ of Sec 10", etc.

Portions of sections, quarter sections, or quarter-quarter sections described as being a given number of acres off an end or side of such section, quarter section, or quarter-quarter section will be accepted for existing descriptions.

5) The description of a portion of a lot in a recorded subdivision shall be by metes and bounds with reference to a verified fixed monument within the subdivision if a monument exists.

However, nothing in this Item 5 shall be construed to prohibit the use of generally accepted phrases in existing descriptions, such as, "the East half of Lot 1" or "50 feet off the entire West side of Lot 1", etc., provided that the lot described is square or rectangular in shape and contains angles or bearings in the recorded plat.

6) Except as otherwise provided herein, all tracts or parcels of land shall adhere to Ohio Revised Code 315.251 as follows:

315.251 WHEN BOUNDARY SURVEY PLAT AND DESCRIPTION REQUIRED.

IF A DEED CONVEYING TITLE TO REAL PROPERTY IS PRESENTED TO THE COUNTY AUDITOR FOR TRANSFER, AND THE DEED CONTAINS A LEGAL DESCRIPTION FOR LAND THAT IS A CUT-UP OR SPLIT OF THE GRANTOR'S ONE OR MORE EXISTING PARCELS OF LAND AS SHOWN IN THE COUNTY AUDITOR'S RECORDS, OR IF THE DEED IS DIFFERENT FROM THE LEGAL DESCRIPTION SHOWN IN THE PRIOR DEED TO THE GRANTOR, A BOUNDARY SURVEY PLAT IN CONFORMITY WITH THE NEW DESCRIPTION SHALL BE SUBMITTED WITH THE DEED. THE SURVEY PLAT AND DESCRIPTION SHALL SATISFY THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS PURSUANT TO CHAPTER 4733 OF THE REVISED CODE. IF, IN THE OPINION OF THE COUNTY ENGINEER, THE SURVEY PLAT AND DESCRIPTION SATISFY THOSE

STANDARDS, THE COUNTY AUDITOR SHALL ACCEPT THE DEED FOR TRANSFER AND A COPY OF THE SURVEY PLAT SHALL BE FILED IN THE COUNTY ENGINEER'S SURVEY FILE FOR PUBLIC INSPECTION.

7) No description purporting to convey a tract or parcel of land in an unrecorded subdivision will be accepted. The parcel must be described by metes and bounds.

8) All descriptions for out-lots or parts thereof shall be by metes and bounds referenced to a known or established point or monument with bearings and distances shown.

9) Generally accepted phrases such as, "parallel with", "perpendicular to", "at right angles to", "along the prolongation of", etc. may be used in lieu of bearings, provided the referenced line is a township, quarter township, section, quarter section, quarter-quarter section, township lot, recorded subdivision, or a recorded subdivision lot or street line, and the bearing of said reference line is given.

10) In all cases of new surveys where the tract or parcel lies in more than one township, quarter township, section, quarter section, township lot, platted lot, or both inside and outside of municipality, the area in each shall be designated. Where the new parcel is located in more than one taxing district, the area in each taxing district shall be designated.

11) When there is an exception to a tract or parcel of land, the exception shall recite the names of the grantor and grantee and the volume and page of such exception with the total area excepted as shown in the Recorder's Office.

12) All new descriptions shall describe the intent of the description, be it all of the property, a part of the property, or the remainder of the property.

13) All new descriptions shall indicate from which tract of the parent tract the new parcel is being taken, along with the Auditor's newly assigned parcel identification number(s). New

parcel numbers will be assigned and placed on the recording instrument prior to the time of transfer.

14) Where a description is prepared by a surveyor, a plat of the survey on 8 ½" by 14" paper shall be submitted with the deed and recorded. Where the size of the plat makes it impractical to reduce the plat for recording, a note shall be added to the description that the plat is on file in the County Engineer's survey files.

15) No new surveys shall contain any exceptions.

16) Since a Certificate of Transfer of Real Estate and an Affidavit for Transfer of Real Estate are not forms of conveyance, but simply recorded evidence of transfers of title to real estate which have already taken place as a matter of law, the following instruments shall not be governed by these standards.

a. Certificate for Transfer of Real Estate

b. Affidavit for Transfer of Real Estate

c. A conveyance of an interest in the real estate described in such certificate or affidavit, as set forth in a. and b. above, by an owner named in either of said instruments to another such owner.

Provided, however, nothing herein shall prohibit any individual from requesting an opinion from the County Engineer as to the sufficiency of the description contained in the instruments set forth above, not withstanding the above, the Gallia County Auditor has the discretion to not approve a Certificate for Transfer or Affidavit of the documents, if the acreage does not match the Auditor's duplicate.

17) Any recorded land contract before May 8, 1996 shall be exempted. However, any land contract which constitutes a split from an existing parcel either on, or after May 8, 1996 shall be subject to all standards herein.

18) The true place of beginning of the described parcel should be differentiated from the point of commencement with such wording as: (a course and distance) "to the true place of beginning for the parcel of land herein described." The last course shall return "to the true place of beginning."

19) All descriptions shall include the acreage to be conveyed, except on lots in all legally recorded plats and/or subdivisions before May 9, 1996.

20) All corrective deeds shall explain the corrective action being taken in the deed.

21) Once a description has been approved by the County Engineer, the same will be approved for subsequent conveyances unless an obvious or gross error was committed in the prior approval. Any correction shall be borne by the current owner.

22) The County Engineer shall determine the sufficiency of any plat submitted for record and transfer. Such plat shall conform to the requirements of the provisions of Chapter 711 of the Revised Code of Ohio and be approved by the County Engineer before a plat is transferred on the Auditor's tax duplicate or recorded.

23) Every instrument of conveyance shall have the County Auditor's parcel number stated on said instrument; said parcel number shall be immediately following each described tract of land.

24) Surveys shall be performed on the actual part transfer and not the exception to the transfer.

The purpose of adopting foregoing standards is to minimize the perpetuation of errors in former transfers and to obtain definite and accurate descriptions for future transfers.