

CLERMONT COUNTY, OHIO

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

**AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203, AS A RESULT OF
TWO PUBLIC HEARINGS HELD ON DECEMBER 11, 2023 and DECEMBER 28, 2023.**

EFFECTIVE JANUARY 1, 2024

NOTE: It is understood that not all situations can be covered by these standards, and when those situations arise, they will be handled as special cases interpreted by the County Engineer when pertaining to a survey or description and the County Auditor's Office when related to the Conveyance process.

SECTION 1. APPLICATION OF TRANSFER AND CONVEYANCE RULES

The County Auditor and County Engineer may reject any conveyance that is not in compliance with the Ohio Revised Code (O.R.C.) or Ohio Administrative Code (O.A.C.). The County Auditor may reject any transfer, and the County Recorder may refuse to record, any conveyance that does not comply with the standards adopted under this section, Chapter 317 of the Ohio Revised Code, and local County Recorder requirements. These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit or any other document that would cause any of the following:

A. Change In The Name Of Owner (s) Of Land

Any document that creates, transfers or terminates any interest in land or minerals that would cause a change in the name of the record owner or any one of the record owners must be presented to the County Auditor under O.R.C. 319.20.

B. Change In Description

Any document that changes, corrects, or amends an existing description of record of any parcel of land must be presented to the County Auditor under O.R.C. 5713.02.

C. Transfer Of Interest That May Affect True Value

Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under O.R.C. 5713.03.

SECTION 2. SPECIAL TRANSFERS

The following transfers are subject to special requirements:

A. Transfer by Affidavit of Next of Kin

A transfer under the law of descent and distribution may be made pursuant to affidavit under O.R.C. 317.22. A certified copy of the death certificate or other official acknowledgment of death must be attached to the affidavit.

B. Transfer of Survivorship Interest

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

C. Transfer on Death Affidavit

Affidavits of designation and affidavits of confirmation of a transfer on death beneficiary shall be executed in accordance with and pursuant to the formalities required under R.C. Sections 5302.22, 5302.221, 5302.222, 5302.23, and 5302.24.

D. Transfers of Property In The Name of a Trust or Trustee

1. Before any real property that is in the name of a Trustee of a Disclosed Trust can be transferred or conveyed from the trustee, the trustee shall record an affidavit in accordance with law that evidences trustees authority to make such transfer. In the event that a successor trustee appears as grantor on a deed, the successor trustee must record an affidavit pursuant to R.C. 5302.171 with the Clermont County Recorder's office to explain how the person or entity now holds title as a successor trustee (which affidavit shall include a legal description of the property to be conveyed and the required conveyance form), unless there is a trust instrument or memorandum of trust already recorded in the Clermont County Recorder's office which recites the succession of trustees, and specifically designates that the grantor is a Successor Trustee. In that case, the document will need to reference the volume and page number of the trust instrument/memorandum.
2. Before the Auditor will accept any instrument of conveyance of any real property for which the grantor or grantee of the instrument is a trust rather than the trustee or trustees of the trust, the trust must have been created under the laws of the state of its existence at the time of the conveyance and a memorandum of trust that complies with section 5301.255 of the Revised Code containing a description of the real property conveyed by that instrument must be recorded in the office of the county recorder in which the instrument of conveyance is recorded. Upon

compliance, a conveyance to a trust shall be considered to be a conveyance to the disclosed trustee or trustees of the trust of record with the County. O.R.C. 5301.071(E).

E. Corrective Deeds

All deeds conveying an interest in real property shall conform to the requirements of O.R.C. 5301, et seq. At the sole discretion of the County Auditor, any deed submitted for the purpose of correcting a prior deed of record may require an affidavit setting forth the facts which support the correction of the previously recorded deed.

F. Conveyances Requiring an Affidavit of Facts

The Auditor shall require an affidavit of facts from any grantee on any conveyance accompanied by DTE 100EX when exemption for B, G, and M is selected, evidencing that the transfer complies with applicable law.

SECTION 3. SPECIFIC REQUIREMENTS FOR ALL DOCUMENTS OF TRANSFER

All documents transferring an interest in real property that are subject to O.R.C. 319.20, including all court orders and certificates of transfer, shall contain all of the following:

A. Reference to Prior Instrument of Record

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

B. Tax Mailing Address of Grantee

A statement of the complete tax mailing address of the grantee or any one of the grantees, as required by O.R.C. 319.20.

C. Identification of Interest Conveyed

The grantor shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land. Any document presented for transfer that conveys less than 100% interest in the property described must clearly and accurately state the percentage of interest to be conveyed. Documents containing a percentage of interest that has been copied from a prior deed that do not accurately reflect the current ownership interest will not be accepted for transfer.

D. Instruments to Conform to Law

All deeds and other instruments transferring an interest in Real Property shall conform to the laws of Ohio or to the law of the place where the instruments were executed.

E. Parcel Number and Address

The document of transfer shall include the County Auditor's parcel number(s) of the land and the current site address of the property, if any.

F. Subdivided Parcels With a Buildings or Structures(s)

Upon any parent tract presented for subdivision, a statement as to whether any building(s) or structures remain on the parent tract or transferred with one (1) of the subdivided parcels. Please use Exhibit B.

G. Conveyance Forms

No document that creates, transfers or terminates an interest in land will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form. Affidavit of facts, copy of court orders, DTE Form 101 (Homestead), and DTE Form 102 (CAUV), when applicable, must accompany the instrument of conveyance and be presented at the time of transfer.

H. Grantor and Grantee Names

All transfer documents shall contain the complete grantor(s) and grantee(s) names, and in the case of a trust, no instrument in which the grantor or grantee of the instrument is identified as a trust rather than a trustee or trustees of the trust shall be accepted for transfer unless a memorandum of trust has been recorded in accordance with O.R.C. 5301.255 and 5301.071.

I. Minor Difference in Names

Any difference in the name of a grantor from the most recent vesting document based upon the inclusion of middle names, initials, or different versions of names must be explained in the document to be transferred or by an affidavit of facts which complies with the provisions of ORC 5301.252. Documents that do not reconcile the differences will not be accepted for transfer. Documents referencing the prior name and "AKA", "FKA", or "NKA" will be accepted.

J. Grantor is Not Prior Grantee

No instrument will be approved which seeks to change any currently indexed owner of any real property where grantor's identity set forth in the instrument does not match the identity of a currently indexed owner, unless the instrument itself or an affidavit that satisfies the requirements of R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.

K. Rental Registration

If question number Eleven [11] on DTE Form 100 or question number Nine [9] on DTE Form 100EX is checked “YES”, a rental registration exception form must be submitted within 60 days (including weekends and holidays) of the date of this transfer to avoid a penalty on their tax bill. ORC 5323.99.

L. Right to Consult Prosecutor

Any transfer document may be referred to the Clermont County Prosecutor’s Office for legal advice in advance of transfer.

SECTION 4: CONVEYANCE FEES

A. Conveyance Fees

The State of Ohio requires the County Auditor's Office to charge a transfer fee and when applicable a conveyance fee when changing the name of titled owner(s) or legal description of a parcel of land as per R.C. 319.54 and 322.02. Transfer fees amounts are applied as adopted by Ohio Revised Code and the Board of County Commissioners. Transfer and conveyance fees are to be paid at the time the documents are presented for transfer. Fees are accepted by cash, check or other payment by financial transaction device accepted by the county at that time only. Checks should be made payable to the Clermont County Treasurer. Please do not include payment to other offices in Clermont County. The County Auditor’s office is unable to provide change for checks written for more than the amount due.

1. Any conveyance presented to the Auditor where the agreed upon price is under 60% of the Auditor’s market value shall be accompanied by the Auditor’s “low value transfer” letter (See Exhibit A.). In order to assist our office, we ask that either the grantor, grantee, or their representative having knowledge of the property and agreement, fill out and sign the form, providing adequate information to our office. If the low value transfer letter is not presented at the time of conveyance, the transfer may be required to be calculated at the Auditor’s full market value.
2. Conveyance by Gift in whole or in part (non-exempt). The conveyance fee shall be based on the “value” as defined in ORC 319.202 (C), described as the estimated price the real estate or mobile home would bring in the open market and under the then existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels. The basis the Auditor will use to determine “value” will be the most current auditor’s appraised value of the parcel(s) to be conveyed.

SECTION 5. QUALITY OF DOCUMENTS

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

A. Poor Original Not Accepted

No document of transfer will be accepted which has attached to it a previously recorded document that is identified as a "Poor Original".

B. Illegible Writing

No document of transfer will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or County Engineer. All information must be typed on the DTE 100 or DTE 100EX.

C. Whiteout

No deeds or other instruments of conveyance will be accepted with whiteout.

SECTION 6. SURVEYS

A field survey shall be conducted and a plat shall be prepared for all subdivisions of land within Clermont County, Ohio. Survey plats shall also be prepared for re-surveys of parcels which will result in a new legal description for conveyance purposes. Survey plats shall be filed with Clermont County Tax Map Department in conformance with the following requirements.

A. State of Ohio Minimum Standards

All surveys shall conform to the "minimum standards for boundary surveys in the State of Ohio" as adopted on May 1, 1980 of the administrative code Chapter 4733-37. The survey plat shall be neat, legible, and in all respects, a professional document. The plat shall be on a scale which will adequately represent in legible detail all of the pertinent aspects of the survey. (Plats with contour lines or with proposed on-site sewage systems will not be accepted).

B. The following information shall be shown on all survey plats

1. Names and right-of-way of all streets, roads and highways
2. Easements
3. All Military Survey lines, county lines, township lines and municipal corporation lines. Acres are to be separated if surveyed parcel is located in one or more of the above.

4. The Tax Map Department block shall be placed in the upper right hand corner of the plat showing the current parcel identification number.
5. Military survey name and number
6. Reference tie
 - (a) The intersection of the centerline of two (2) existing public roads. This tie shall be measured along the centerline of one of the public roads involved.
 - (b) The intersection of the centerline of an existing public road and a Virginia Military Survey Line. This tie shall be measured along the centerline of the existing public road involved or along the Virginia Military Survey Line.
 - (c) The intersection of two (2) Virginia Military Survey Lines. This tie shall be measured along one of the Virginia Military Survey Lines involved.
 - (d) A lot corner of an existing recorded subdivision.
 - (e) A lot corner in a municipal corporation.
7. Property corners in roadways shall be referenced by offset monuments at or near the right-of-way on the property lines.

C. All survey plats shall be 18" x 24" with a ½" border and shall be drawn in ink on paper.

D. Closures shall be submitted with all survey plats.

E. All record plats shall be 24" x 36" or 22" x 34" with a 3" binder tab to the left side and drawn in ink on paper or mylar sheets (4 mil double matted) with original stamp and signatures.

1. Monumentation

- (a) Iron pins will be set at all outside corners of the parent tract.
- (b) Railroad spikes or mag nails will be set at all centerline intersections, center of all cul-de-sac's and the PC's and PT's of all curves.

2. All easements will be shown with centerline bearings and distances and related to lot lines except those labeled and identified as private drainage easements.

F. All replats shall be 24" x 36" or 22" x 34" with a 3" binder tab to the left side and drawn in ink on paper or mylar sheets (4 mil. double matted) with original stamp signature.

1. Iron pins shall be placed on all newly created lot corners.

G. Annexation plats shall be 24" x 36" or 22" x 34" with a 3" binder tab to the left side and drawn in ink on paper or mylar sheet (4 mil double matted) with original stamp and signature.

H. Vacation plats shall be 18" x 24" with a ½" border and drawn in ink on paper.

I. A new legal description shall contain the following statements.

"The above described real estate is a part of (or all of) the same premises described as recorded in Deed Book____ page ____ of the Clermont County Ohio Deed Records and identified as parcel no._____ on the Tax Maps of said County.

Being the result of a survey and plat dated _____, made by _____ P.S., Ohio Reg. No._____.

J. Deed descriptions

1. Any non-exempt transfer with three or more exceptions will not be accepted.
 - (a) Additions or exceptions shall be described below the original description and listed in chronological order.
 - (b) Legal descriptions that are presently of record will not be accepted for non-exempt transfer unless the lengths and directions, of the description, specify the mathematical error in closure of the property boundary has an accuracy of not less than 1 part in 5000 parts.
 - (c) Any legal description shall correspond with the most current survey on file in the Tax Map Department.
 - (d) All survey plats submitted to the tax map office shall be accompanied by a deed containing an original legal description prepared by the licensed surveyor.
 - (e) All survey plats containing multiple parcels shall be accompanied by a deed transferring all parcels shown on said plat.

K. Requirements for ties to county survey monuments.

- (a) All surveys performed in Clermont County for new subdivision plats requiring the construction of new public streets, private streets or creation of new easements of access shall be required to tie into a minimum of two (2) county survey monuments.
- (b) All new survey plats of two acres or more for the fee transfer of land shall be required to tie into a minimum of two (2) county survey monuments provided a county survey monument is located within a 1/2 mile radius of the proposed survey.
- (c) All new surveys, which encompass two or more counties, shall be required to tie into a minimum of two (2) county line survey monuments (if the county line survey monuments are available).
- (d) Transfers between adjoining property owners, pursuant to section 711.001 subsection (B) (1) of the Ohio Revised Code will be exempt from ties to county survey monuments.

L. Metric Measurements.

1. Each course of a new metes and bounds description prepared using a metric system shall include the following.
 - (a) Distances shall be shown in meters and decimal parts thereof, along with the equivalent distance in feet and decimal parts thereof.
 - (b) Bearings shall be shown in degrees, minutes and seconds.
 - (c) Curves must contain the direction of the curve (right or left), the radius in meters and decimal parts thereof, and the long chord bearing and distance in meters and decimal parts thereof of the curve.
2. Area shall be shown in hectares along with the equivalent area expressed in acres calculated to the third decimal place as required by the County Engineer.
3. The U.S. Survey foot definition shall be used when converting between meters and feet. The conversion ratio of 39.37/12 is the U.S. Survey foot multiplier used to convert from meters to feet.

M. Survey Plat Required Items

1. See Exhibit C for survey plat required item checklist.

EXHIBIT A

Low Value Transfer Explanation Letter

Date: _____

Owner: _____

Address of Property: _____

Sale Price: _____

Auditor's Appraised Value: _____

Your property is selling for 60% of or less than the Auditor's appraised market value. We ask the questions below to better aid the Auditor's Office in data collection and reporting to the State Department of Taxation.

Please indicate as many of the reasons below that apply and have contributed to the sale price. Fill in any additional information which is helpful to better understanding the difference between sale price and appraised value.

- _____ Property has been listed for sale since _____
- _____ Property has been listed with a Real Estate Brokerage
- _____ Property listed for \$_____ by Owner, no Real Estate Agent involved
- _____ Property was not listed. Please indicate how the buyer was found and a price determined under other contributing factors
- _____ Neighborhood property values/sales prices have declined
- _____ Mold damage due to utility shutoff necessitating drywall replacement, painting, or other repairs
- _____ Property is being sold as a short sale
- _____ Specific property components have been damaged, removed, or in disrepair

	Damaged	Removed	In Disrepair
Roof	_____	_____	_____
Windows	_____	_____	_____
Plumbing	_____	_____	_____
Furnace	_____	_____	_____
Electric	_____	_____	_____

Please describe below the basis for any factor noted above, or any other contributing factors (continue on a separate sheet if necessary):

_____: Signature line for Grantor, Grantee, or Representative

EXHIBIT B



Linda L. Fraley, Clermont County Auditor

101 East Main Street, Batavia Ohio 45103
Phone 513-732-7150 Fax 513-732-7228

**TRANSFER ASSESSMENT SHEET (ORC 319.2)
(SPLIT SHEET)**

PARENT PARCEL #: _____ DATE: _____

This is to certify that the buyer and seller have agreed that the following entry be made on the Auditor's Tax List.

Property now listed in the name of _____

Being _____ acres, previously known as part of parcel # _____

Located in _____ Township _____ Village.

Transfer the following from parent parcel to the new parcel:

HOUSE _____

GARAGE _____

SHED _____

BARN _____

LEAN TO _____

OTHER BUILDINGS _____

Buyer and seller are aware of homestead exemption and/or CAUV listed properties. Any structures being moved from parent parcel will not contain parcel history.

GRANTOR SIGNATURE: _____

GRANTEE SIGNATURE: _____

EXHIBIT C

SURVEY PLAT REQUIRED ITEMS	COMPLETE
Survey plat size 18" X 24"	
Closure sheet (if not shown on the plat)	
Parcel identification number in the upper right hand corner of survey plat	
North arrow with clear basis of bearings	
Scale (written & graphic)	
Adjacent property owner Recorder's information and parcel identification number	
Military survey lines shown with name and number	
Surveyor's seal and signature	
Township, County and State	
Notation of occupation	
Citation of reference documents	
Date of survey	
Reference tie	
Acreage	
Road name and right-of-way	
Offset monuments at road right-of-way	
Monuments set or found and size	
Bearings and distances on all boundary lines	
Easements	