

# REAL ESTATE LAWS & CUSTOMS BY STATE

**CUSTOMARY FEE SPLITS:** ■ Buyer Pays ■ Seller Pays ■ Buyer pays to record deed & mortgage; Seller pays to record documents to remove encumbrances

State	Title Ins Rates	Forms of Conveyance	Encumbrance Forms	Customary Closing Entity	Commitment Issued? Duration?	When is Invoice Issued?	Deed Transfer Tax	Mortgage Tax	Leasehold Tax	Policy Premium Owner's	Loan	Title Search & Exam	Survey Charges	Taxes Transfer	Mortgage	Closing Fees	Recording Fees
<b>ALABAMA</b>	Filed	Warranty Deed	Mortgage	Title Company; approved attorney; bank	Y 6 months	With commitment or at closing	Y Deed Tax	Y	Y	Negotiable (Seller in some counties)		Negotiable	Negotiable		Negotiable	Negotiable	Seller can pay
<b>ALASKA</b>	Filed	Warranty Deed	Deed of Trust; Mortgage (rare)	Title company; approved attorney; bank	Y 6 months	At closing	N	N	N	Negotiable		Included in Premium	Negotiable	N/A	N/A	Negotiable; usually divided equally	Negotiable; usually divided equally
<b>ARIZONA</b>	Filed	Warranty Deed; Special Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage	Title or escrow company; others	Y 6 months	When policy issues	N	N	N	Buyer pays difference if Extended Coverage Policy Required		Included in Premium	Unless contracted otherwise	N/A	N/A	Divided equally	
<b>ARKANSAS</b>	Not Filed	Warranty Deed	Mortgage (preferred); Deed of Trust	Title of abstract company; attorney	Y 6 months	With commitment	Y Deed Transfer Tax	N	N			Negotiable	Negotiable	Divided equally (unless agreed upon otherwise)	N/A	Divided equally	
<b>CALIFORNIA</b>	Filed	Grant Deed	Deed of Trust	Title or escrow company; others	Upon request; 180 days	When policy issues	Y Documentary Transfer Tax; some local municipalities	N	Y If more than 35 years (including renewal options)	Varies by county		Included in Premium	Negotiable	Varies for cities	N/A	Varies by county	
<b>COLORADO</b>	Filed	Warranty Deed; Special Warranty Deed	Deed of Trust; Mortgage	Title or escrow company; others	Y 6 months	With commitment	Y Documentary Transfer Tax	N	N	Negotiable	Negotiable	Included in Premium	Negotiable	Negotiable	N/A	Divided equally or by contract	Negotiable
<b>CONNECTICUT</b>	Filed	Deeds: Warranty; Quitclaim; Ltd Wty; Special Wty; Trustee; Executor's; Certificate of Devis	Mortgage Deed	Attorney	Upon request; 6 months	With Commitment	Y State/Municipal Real Estate Conveyance Tax	N	N If less than 99 years (including renewals)						N/A	Negotiable	
<b>DELAWARE</b>	Filed	Deeds: Special Warranty; Quitclaim; General Wty.	Mortgage	Attorney	Y 6 months	With Commitment	Y Realty Transfer Tax	N	N Except residential leases more than 5 years					Negotiable	Divided equally	N/A	Negotiable
<b>DISTRICT OF COLUMBIA</b>	Filed	Special Warranty Deed (very rare: General Wty & Quitclaim)	Deed of Trust; Mortgage (rare)	Title or escrow company; others	Y 6 months	With Commitment	Y Transfer Tax & Recordation Tax	Y Recordation Tax	Y If more than 30 years (including extensions)					Buyer: Recordation; Seller: Transfer		Divided equally or by contract	
<b>FLORIDA</b>	Promulgated	Warranty Deed	Mortgage	Attorney; title company; lender	Y 6 months	With commitment or at closing	Y Documentary Tax (Miami-Dade County has Surtax)	Y Documentary Tax; Intangible Tax	N Unless assignment of lease for consideration	Buyer pays if residential in some counties; commercial is negotiable		Negotiable	Negotiable			Unless contracted otherwise	Buyer: Mortgage; Seller: Deed
<b>GEORGIA</b>	Filed	Warranty Deed; Ltd. Wty. Deed; Quitclaim Deed	Security Deed (aka Deed to Secure Debt)	Commercial attorney or escrow agent, Residential attorney	Y 6 months	With commitment	Y Real Estate Transfer Tax	Y Intangible Recording tax	N					Commercial: negotiable; Residential: Buyer		Negotiable	
<b>HAWAII</b>	Not Filed	Deeds: Warranty; Ltd Wty; Quitclaim; Apartment (condos)	Mortgage	Title or escrow company; others (must be licensed escrow depository)	Y 90 days	At closing	Y State Conveyance Tax	N	Y Leases over 5 years subject to Conveyance Tax	Comm 50/50 Res 60/40 Seller/Buyer Split		Included in Premium	Negotiable		N/A	Divided equally	Buyer: Mortgage; Seller: Deed
<b>IDAHO</b>	Filed	Warranty Deed; Corporate Deed; Quitclaim Deed (on occasion)	Deed of Trust; Mortgage (over 40 acres)	Title or escrow company; attorney; others	Y 6 months	Varies by office	N	N	N			Included in Premium	Negotiable	N/A	N/A	Divided equally	Buyer: Deed of Trust, Mortgage Seller: Deed Also negotiable
<b>ILLINOIS</b>	Not Filed	Warranty Deed	Mortgage; Trust Deed (allowed but disfavored)	Title company; attorney; others	Y 6 months	With commitment	Y Real Estate Transfer Tax (State, County, sometimes local)	N	Y Certain leasehold transfers may be subject to tax					Varies for cities	N/A	Divided equally or by contract	
<b>INDIANA</b>	Filed	Warranty Deed	Mortgage	Title company; others	Y 90 days	With commitment	N	N	N			Varies by county		N/A	N/A	Commercial: negotiable; Residential: Buyer	
<b>IOWA</b>	N/A; policies written outside state	Warranty Deed; Quitclaim Deed; Trustees Deed; etc.	Mortgage	Attorney or Iowa-based escrow company	Y 6 months	With commitment	Y Real Estate Revenue Stamp Tax	N	N	Negotiable	Residential dependent on mortgage type	Buyer: post-closing charges; Seller: pre-closing abstract charges	Negotiable		N/A	Negotiable	
<b>KANSAS</b>	Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Mortgage	Title or escrow company; others	Y 6 months	With commitment or at closing	N	N	N			Varies by county	Sometimes Buyers obtains survey or cost divided equally	N/A	N/A	Divided equally	
<b>KENTUCKY</b>	Filed	Warranty Deed; Special Wty Deed; Trustee or Fiduciary Deed	Mortgage	Attorney; title company	Y 6 months	With commitment	Y Deed Transfer Tax	N	N					Negotiable		N/A	Buyer: recording fees; Seller: doc prep fees
<b>LOUISIANA</b>	Filed	Warranty Deed; Act of Sale	Act of Mortgage	Notaries public who generally are attorneys	Y 6 months	With commitment	N Except New Orleans Documentary Transaction Tax	N Except New Orleans Documentary Tax	N Except New Orleans Documentary Transaction Tax	Negotiable	Negotiable	Negotiable		N/A; Seller: New Orleans Doc Trans Tax	N/A; Seller: New Orleans Doc Trans Tax	Small Seller's closing fee in most parishes	
<b>MAINE</b>	Filed	Commercial: Quitclaim Deed; Quitclaim with covenant; Residential: Warranty Deed	Mortgage	Title company; attorney; notary	Y 180 days	At closing	Y Deed Excise Tax	N	N					Divided equally	N/A		
<b>MARYLAND</b>	Filed	Special Warranty Deed	Deed of Trust; Mortgage (rare)	Title company; sole practitioner; law firm; underwriter direct office	Y 6 months	At closing unless requested earlier	Y State; Transfer Tax; County; Transfer & Recordation Tax	Y Recordation Tax	Y Ground and commercial more than 7 years					Divided equally		Negotiable	
<b>MASSACHUSETTS</b>	Not Filed	Quitclaim Deed	Mortgage	Attorney	Upon request; 180 days	At closing	Y Deed Excise Tax	N	N			Except parts of Worcester County	Negotiable		N/A	Negotiable	
<b>MICHIGAN</b>	Filed	Deeds: Warranty; Quitclaim; Covenant; Trustee's; Personal Representative's	Mortgage	Title or escrow company; attorney; others	Y 6 months	With commitment	Y State/County Real Estate Transfer Tax	N	N			Included in Premium	Negotiable		N/A	Divided equally (sometimes Buyers pays additional loan closing fees)	
<b>MINNESOTA</b>	Filed	Deeds: Warranty; Ltd Warranty; Quitclaim; Trustee's; Personal Representative's	Mortgage	Title or escrow company; attorney; lender	Y 6 months	With commitment	Y State Deed Tax	Y Mortgage Registration Tax	N	Negotiable		Seller: evidence of ownership; Buyer: to examine evidence	Negotiable			Shared by parties	Seller: Deed, release encumbrances; Buyer: all other docs
<b>MISSISSIPPI</b>	Not Filed	Warranty Deed; Quitclaim Deed (with underwriter approval)	Deed of Trust	Attorney	Y 90 days	With commitment	N	N	N	Either party can pay; also negotiable				Negotiable	N/A	N/A	Divided equally
<b>MISSOURI</b>	Risk Rates are Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Deed of Trust	Title or escrow company; others	Y 6 months	With commitment or at closing	N	N	N	Varies by county		Varies by county	Sometimes divided equally or Buyer obtains survey	N/A	N/A	Divided equally	

## Information To Go!

Fidelity National Title Insurance Company is pleased to provide you with this handy state-by-state chart of laws, customs and fee splits.

Our National Commercial Services (NCS) operations are strategically located in major metropolitan areas throughout the U.S. Each NCS serves as a one-stop, single point of contact to expedite commercial transactions on a local and nationwide level, from simple to complex multi-state transactions, and everything in-between.

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# REAL ESTATE LAWS & CUSTOMS BY STATE

CUSTOMARY FEE SPLITS: ■ Buyer Pays ■ Seller Pays ■ Buyer pays to record deed & mortgage; Seller pays to record documents to remove encumbrances



National Commercial Services

## Real Estate Laws & Customs By State



A COMPREHENSIVE QUICK REFERENCE MATRIX

FORMS OF CONVEYANCE   ENCUMBRANCE FORMS   DEED TRANSFER TAX   LEASEHOLD TAX   CUSTOMARY FEE SPLITS



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State	Title Ins Rates	Forms of Conveyance	Encumbrance Forms	Customary Closing Entity	Commitment Issued? Duration?	When is Invoice Issued?	Deed Transfer Tax	Mortgage Tax	Leasehold Tax	Policy Premium		Title Search & Exam	Survey Charges	Taxes		Closing Fees	Recording Fees
										Owner's	Loan			Transfer	Mortgage		
<b>MONTANA</b>	Filed	Warranty Deed; Corporate Deed; Grant Deed	Deed of Trust; Trust Indenture; Mortgage (over 40 acres)	Title or escrow company; attorney	Y 6 months	At closing	N	N	N			Included in Premium	Buyer: loan only transactions; Negotiable: sales transactions	N/A	N/A	Divided equally	
<b>NEBRASKA</b>	Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Deed of Trust; Mortgage	Title or escrow company; others	Y 6 months	With commitment or at closing	Y Documentary Stamp Tax	N	N	Divided equally	Commercial: Buyer; Residential; Divided Equally	Included in Premium	Sometimes divided equally or Buyer obtains survey		N/A	Divided equally	
<b>NEVADA</b>	Filed	Grant Deed; Bargain and Sale Deed; Quitclaim Deed; Trustee's Deed	Deed of Trust; Mortgage (rare)	Title or escrow company; others authorized by NV statutes	Upon request; 6 months	When policy issues	Y Real Property Transfer Tax	N	N			Included in Premium	Buyer: Southern Las Vegas vicinity; Negotiable: Northern Reno vicinity	Negotiable in large commercial transactions	N/A	Divided equally; negotiable	
<b>NEW HAMPSHIRE</b>	Filed	Warranty Deed; Quitclaim Deed	Mortgage	Attorney; title company	Upon request; 6 months	At closing	Y Deed Transfer Tax	N	N					Divided equally unless contracted otherwise	N/A	Negotiable	
<b>NEW JERSEY</b>	Filed	Bargain and Sale Deed with covenants against grantor's acts	Mortgage	Attorney: North NJ; Title Company: South NJ	Y 6 months	With commitment; paid at closing	Y Realty Transfer Fee (RTF); Mansion Tax (over \$1 million)	N	N					Unless contracted otherwise; Buyer: NJ Mansion Tax	N/A	Sometimes split	
<b>NEW MEXICO</b>	Promulgated	Warranty Deed; New Mexico Real Estate Contract	Mortgage; Deed of Trust (usually commercial)	Licensed Title Insurance Agent	Y 6 months (may be extended)	Commitment: when issued; other closing costs; or closing	N	N	N	Negotiable		Included in Premium	Residential: Seller Commercial: Buyer also Negotiable	N/A	N/A	Usually Seller if Residential; Buyer if Commercial	Buyer: Mortgage; Seller: Deed & docs to remove encumbrances
<b>NEW YORK</b>	Filed	Warranty Deed (upstate); Bargain and Sale Deed (downstate)	Mortgage	Attorney	Y Commitment or Title Certificate issued; 6 or 9 months	With Title Report; final invoice presented/paid at closing	Y State, NYC, several local municipalities	Y State, NYC & counties	Y If term exceeds 49 years or contains option to purchase	New York style closing requires simultaneous transfer of documents and consideration at meeting of parties. Recording takes place later. Buyer pays most closing costs, including title insurance. Seller usually pays NYC transfer tax and pays state transfer tax unless contractually negotiated to Buyer. Search & Exam charges are included in premium in Zone 2 but not in Zone 1.							
<b>NORTH CAROLINA</b>	Filed	Warranty Deed (typically); Special Warranty Deed or Non-Warranty Deed	Deed of Trust; Mortgage (rare)	Attorney	Y 6 months	With commitment	Y Excise Tax (and 1% transfer tax in some counties)	N	N				Negotiable		N/A	Negotiable	
<b>NORTH DAKOTA</b>	Filed	Warranty Deed	Mortgage; Deed of Trust (rare)	Title or escrow company; lender; attorney	Y 6 months	With commitment	N	N	N					N/A	N/A		Buyer: customarily pays to record new mtg; Seller pays to record docs to transfer ownership & remove encumbrances
<b>OHIO</b>	Filed	Deeds: Warranty; Ltd. Warranty; Quitclaim; Fiduciary Deed	Mortgage	Title or escrow company; title agent; others	Y 6 months	With commitment	Y Real Property Conveyance Fee	N	N	Negotiable; usually divided equally					N/A	Negotiable; usually divided equally	
<b>OKLAHOMA</b>	Not Filed	Warranty Deed; Quitclaim Deed (rare, requires underwriter approval)	Real Estate Mortgage; Power of Sale Mortgage (rare)	Title or escrow company; others	Y 180 days from date of abstract certification	With commitment or at closing	Y Documentary Stamp Tax	Y	N			Buyer pays for the exam, Seller pays for the abstracting	Negotiable			Negotiable; usually divided equally	
<b>OREGON</b>	Filed	Statutory Deeds: Warranty; Special Wty; Bargain and Sale; Quitclaim Deed with underwriter approval	Deed of Trust; Mortgage (rare)	Licensed escrow agent; title company with escrow license	Preliminary Title Report is customary; Commitment available upon request for charge; 90 days	At closing	N Except Washington County	N	N	Buyer pays extended coverage, endorsements		Included in Premium		Washington County only divided equally	N/A	Filed; usually split	
<b>PENNSYLVANIA</b>	Filed	Special Warranty Deed; General Warranty Deed	Mortgage	Title company; others	Y 6 months	With commitment	Y Realty Transfer Tax (state, local municipalities)	N	Y If 30 years or longer (including options to renew)			Included in Premium		Divided equally	N/A	Included in premium	
<b>RHODE ISLAND</b>	Filed	Warranty Deed; Quitclaim Deed; Bargain and Sale Deed	Mortgage	Attorney; title company	Y 6 months	With commitment or at closing	Y Real Estate Conveyance Tax	N	N					Unless contracted otherwise	N/A		
<b>SOUTH CAROLINA</b>	Filed	General Warranty Deed	Mortgage	Attorney	Y 6 months	With commitment	Y Deed Recording Fee	N	N						N/A		
<b>SOUTH DAKOTA</b>	Filed	Warranty Deed	Mortgage	Title or escrow company; lender; attorney	Y 6 months	With commitment	Y Real Estate Transfer Tax	N	N	Divided equally		Or included in Premium	Negotiable		N/A		Buyer: Mortgage; Seller: Deed & docs to remove encumbrances
<b>TENNESSEE</b>	Filed	Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage (rare)	Title or escrow company; attorney	Y 90 days (can be extended)	With commitment or at closing	Y Deed Transfer Tax	Y	N			Negotiable; some counties include in premium	Negotiable			Divided equally	
<b>TEXAS</b>	Promulgated	General Warranty Deed; Special Warranty Deed	Vendor's Lien retained in Deed; Deed of Trust	Title company; attorney	Y 90 days	At closing	N	N	N			Included in Premium	Negotiable; Residential loan requirements may state otherwise	N/A	N/A	Negotiable	Negotiable; usually Buyer: Mortgage; Seller: Deed & docs to remove encumbrances
<b>UTAH</b>	Filed	Warranty Deed; Special Warranty Deed	Mortgage; Deed of Trust	Title or escrow company	Y 6 months	At closing; sometimes when policy issues	N	N	N	Negotiable	Negotiable	Included in Premium	Negotiable	N/A	N/A	Divided equally or by contract	Negotiable
<b>VERMONT</b>	Filed	Warranty Deed; Quitclaim Deed; Fiduciary's Deed with a license to sell	Mortgage Deed	Attorney; paralegal (under direct supervision of attorney in ministerial manner)	Almost always; 6 months	With commitment	Y Property Transfer Tax	N	N					Negotiable	N/A	Negotiable	Negotiable
<b>VIRGINIA</b>	Published, not filed	General Warranty Deed; Special Warranty Deed	Deed of Trust	Attorney; title company; bank	Y 6 months	With commitment	Y State/local Grantee Tax; Grantor Tax	Y State/Local Grantee Tax	Y State, city, county taxes may apply	Negotiable	Negotiable	Negotiable	Negotiable	Buyer: State/local Grantee; Seller: Grantor		Negotiable	Buyer: clerk's fees; Seller: fees to release prior liens of record
<b>WASHINGTON</b>	Filed	Statutory Deeds: Warranty; Bargain and Sale; Quitclaim; other non-statutory and special deeds	Deed of Trust; Mortgage; Long Term Real Estate Contract (seller financing)	Attorney; licensed Limited Practice Officer (LPO)	Y 6 months	At closing	Y Real Estate Excise Tax	N	N	Seller: standard coverage; buyer endorsements, extended coverage		Included in Premium	Negotiable	Buyer can pay if tax amount added to taxable sale price	N/A	Divided equally (can be varied by agreement)	
<b>WEST VIRGINIA</b>	Filed	General Warranty Deed; Special Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage (rare)	Attorney	Y 6 months	With commitment	Y State/County Excise Tax	N	N					Seller's obligation but Buyer can pay	N/A		
<b>WISCONSIN</b>	Filed	Warranty Deed; Installment Land Contracts	Mortgage	Title or escrow company; others	Y 180 days	With commitment	Y Real Estate Transfer Fee	N	N			Included in Premium	Negotiable		N/A	Buyer: loan closing fees; Seller: deed closing fees	
<b>WYOMING</b>	Filed	Warranty Deed; Quitclaim Deed	Mortgage "with Power of Sale"; Trust Deed (rare)	Title or escrow company; attorney; others	Y 6 months (can be extended)	With commitment	N	N	N			Included in Premium	Negotiable	N/A	N/A	Divided equally	Buyer: Mortgage; Seller: Deed

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