

Your Guide to **Real Estate** Customs by State



First American Title™
NATIONAL COMMERCIAL SERVICES

Real Estate Customs by State

Yes No

State	Title Insurance Rates	Form of Conveyance	State Encumbrance Forms	Attorney State	Preliminary Report or Commitment	Deed Transfer Tax
Alabama	Filed Rate	Warranty Deed	Deed of Trust\Mortgage	<input type="checkbox"/>	Commitment Only	Recordation Tax
Alaska	Filed Rate	Warranty Deed	Deed of Trust	<input type="checkbox"/>	Commitment Only	
Arizona	Filed Rate	Warranty Deed	Deed of Trust Mortgage	<input type="checkbox"/>	Commitment Only	
Arkansas	Not Filed	Warranty Deed	Deed of Trust Mortgage	<input type="checkbox"/>	Commitment Only	Based on full consideration set forth in Affidavit of Value
California	Filed Rate	Grant Deed	Deed of Trust	<input type="checkbox"/>	Preliminary Report; Commitment upon request	County Documentary Transfer Tax City Tax (in some cities)
Colorado	Filed Rate	Warranty Deed, Special Warranty Deed, Bargain and Sale Deed (rare), or Quitclaim Deed	Deed of Trust/Public Trustee for each County	<input type="checkbox"/>	Commitment Only	Documentary Fee City Transfer Fee (in some cities)
Connecticut	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage	<input type="checkbox"/>	Commitment Only	City Conveyance Tax State Conveyance Tax
Delaware	Filed Rate	Special Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	State Transfer Tax Local Transfer Tax
District of Columbia	Filed Rate	Special Warranty Deed	Deed of Trust with Private Power of Sale	<input type="checkbox"/>	Commitment Only	Transfer Tax Recordation Tax
Florida	Promulgated Rate by State Insurance Department	Special Warranty Deed or Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	Documentary Stamp Tax plus surtax (in Miami-Dade County)
Georgia	Published Rate	Warranty Deed	Deed to Secure Debt Mortgage (rare)	<input type="checkbox"/>	Commitment Only	Real Estate Transfer Tax must be accompanied by Real Estate Transfer Tax Declaration Form
Hawaii	Posted Rate	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment; Preliminary Report for informational reports	State Conveyance Tax Certificate Form must accompany Deeds, Leases & Assignments thereof, and Agreements of Sale
Idaho	Filed Rate	Warranty Deed	Deed of Trust Mortgage	<input type="checkbox"/>	Commitment Only	
Illinois	Not Filed	Warranty Deed, Special Warranty Deed, Quit-Claim Deed	Mortgage	Varies by location	Commitment Only	State, County and in some cases, a Municipal Transfer Tax
Indiana	Filed Rate	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	
Iowa	No title insurance companies are licensed within the state. Title policies written outside state.	Warranty Deed, Special Warranty Deed, Quit-Claim Deed	Mortgage	<input type="checkbox"/>	Commitment Only	Real Estate Transfer Tax. A Real Estate Transfer Declaration of Value and a Ground Water Hazard Statement must accompany all Deeds to be recorded.
Kansas	Filed Rate up to \$500,000	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	Sales Validation Questionnaire must accompany all Deeds to be recorded
Kentucky	Filed Rate	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	
Louisiana	Filed Rate	Warranty Deed or Act of Sale	Mortgage	Licensed LA attorney must examine title & render written title opinion. All commitments & policies must be signed by LA Licensed Producer	Commitment Only	Orleans Parish Only
Maine	Filed Rate up to \$1 million	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	A Declaration of Value must accompany Deeds to be recorded
Maryland	Filed Rate	Special Warranty Deed (preferred)	Mortgage (rare) and Deed of Trust	Yes; most documents must be approved by a Maryland attorney prior to recordation	Commitment Only	Recordation Tax, State Transfer Tax and Country Transfer Tax
Massachusetts	Not Filed	Quitclaim Deed Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	Deed stamps based on consideration in Deed. Extra county taxes in Barnstable, Land Bank fee in Dukes & Nantucket Counties
Michigan	Filed Rate	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	Based on full consideration set forth on face of Deed or on a Real Estate Transfer Tax Valuation Affidavit
Minnesota	Filed Rate up to \$1 million	Warranty Deed	Mortgage	<input type="checkbox"/>	Commitment Only	State Deed Tax. A Certificate of Real Estate Value and Well Disclosure Certificate must accompany all Deeds to be recorded
Mississippi	Not Filed	Warranty Deed	Deed of Trust	<input type="checkbox"/>	Commitment Only	
Missouri	Filed Rate	Warranty Deed	Deed of Trust	<input type="checkbox"/>	Commitment Only	

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Source for eClosing RON status: <https://www.firstam.com/title/eclosing/>

Real Estate Customs by State

Yes No

State	Mortgage Tax	Leasehold Tax	UCC Designation	UCC Status	eClosing: RON status
Alabama	Yes	Yes	P&C	Authorized	Legislation proposed, not passed
Alaska			Title	Authorized	Law Passed
Arizona			P&C	Authorized	Law Passed
Arkansas			P&C	Authorized	No Legislation
California		Yes: Applies to all leases of 35 years or more; whether options to extend are counted for lease term varies by County	Title	Authorized	Legislation Pending
Colorado			P&C	Authorized	Law Passed
Connecticut		Unless duration is tantamount to a conveyance, e.g., 99 years	P&C	Authorized	Legislation Pending
Delaware		Unless lease exceeds 5 years	Title	Authorized	No Legislation
District of Columbia	Recordation Tax on Money loaned subject to any applicable exemptions	Excludes leases with terms of less than 30 years including options to renew	Title	Authorized	Legislation Pending
Florida	Both Documentary Stamp Tax & Non-Recurring Intangible Tax	No: Unless there is a determinable consideration other than the future duty to pay rent (for example, assignment of leasehold)	Title	Authorized	Law Passed
Georgia	Intangible Recording Tax		P&C	Authorized	Legislation Pending
Hawaii		Applied where unexpired term is for 5 years or more – See Deed Transfer Tax	Title	Authorized	Law passed and awaiting required rules
Idaho			P&C	Authorized	Law Passed
Illinois		Assignments of lessee's interest in a lease with a term of 30 years or more. Affects state, county, Chicago and other municipalities. Chicago also taxes creation of long-term ground leases	Title	Authorized	Legislation Pending
Indiana			P&C	Authorized	Law Passed
Iowa			Title	Authorized	Law Passed
Kansas	Mortgage Registration Tax No mortgage tax. It was phased out January 1, 2019		P&C	Authorized	Legislation Pending
Kentucky			P&C	Authorized	Law Passed
Louisiana	Documentary transfer tax in Orleans Parish Only	Orleans Parish Only	Title	Authorized	Law Passed
Maine			Title	Authorized	No Legislation
Maryland	Counties vary; may have Document Stamp, Recording Tax and County Transfer Tax	Yes: State Transfer and State Recording Tax do not apply to leases of 7 years or less with renewals of 7 years or less; County Transfer Tax varies	Title	Authorized	Law Passed
Massachusetts		Unless duration is tantamount to a conveyance, e.g., 99 years	Title	Authorized	Legislation Pending
Michigan			P&C	Authorized	Law Passed
Minnesota	Mortgage Registry Tax		P&C	Authorized	Law Passed
Mississippi			P&C	Authorized	No Legislation
Missouri			P&C	Authorized	Legislation Pending

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Customary Standard Fee Splits

Buyer Seller

State	Owner's Policy	Loan Policy	Search: Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
Alabama	Negotiable, usually Seller		Negotiable		Negotiable	Negotiable
Alaska			Included in premium	N/A	Divided Equally	Divided Equally
Arizona			Included in premium	N/A Affidavit of Real Property Value must be submitted with deed for recording. Seller pays for filing	Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Arkansas			Negotiable, usually Seller	Customarily Split	Divided Equally	Negotiable, usually Buyer
California	Varies		Included in premium	Seller pays County tax City tax varies	Varies by County	Seller pays recording fees on documents needed to clear title
Colorado			Included in premium for most counties except for multi-chains of title or special services. Third-party vendor charges may also apply.		Divided Equally	
Connecticut				All deeds must be accompanied by a Conveyance Tax Return even if transfer is exempt	Negotiable	Buyer pays for recording Deed & Mortgage documents Seller pays for recording of releases
Delaware				Divided Equally	Negotiable	Negotiable
District of Columbia	Negotiable	Negotiable	Negotiable	Buyer pays Recordation Tax Seller pays Transfer Tax	Negotiable	Negotiable
Florida	<small>There is no regulation regarding who typically pays premium however, customarily, seller pays in Florida with the exception of Miami-Dade, Broward and Palm Beach counties. Orange County was once typically seller but we are now seeing that county as negotiable</small>		Negotiable, usually Seller	Negotiable, usually Seller	Negotiable	Buyer pays for per page cost of deed recording Seller pays transfer tax
Georgia	Negotiable		Negotiable		Negotiable	Varies
Hawaii	Commerical - negotiable Typical residential split - Buyer 40% and Seller 60%		Included in premium unless extra chain charges or a long/historical search	Negotiable, usually Seller	Divided Equally	
Idaho	<small>Negotiable, usually Buyer pays for extended coverage portion of premium Seller pays for standard coverage of premium</small>	Negotiable, usually Buyer	Included in premium	N/A	Negotiable, usually Divided Equally	Buyer pays for Deed of Trust or Mortgage Seller pays to record conveyance Deed and release docs
Illinois	Negotiable, usually Seller		Buyer pays loan policy charges Seller pays any abstract charges - fees vary	Local transfer tax determined by municipal ordinance Seller pays State and County	Divided Equally	Buyer pays for recording Deed and Mortgage docs Seller pays for recording of releases
Indiana	Negotiable, usually Seller	Negotiable, usually Buyer	May be charged as Additional Fees	N/A	Negotiable, usually Divided Equally	Negotiable, usually Buyer pays for instruments of conveyance and financing Seller pays for instruments to clear title
Iowa	Negotiable		Buyer pays post-closing charges Seller pays pre-closing and abstract charges		Buyer pays post-closing charges Seller pays pre-closing exam and abstracting	Buyer pays all other recording fees Seller pays for recording release of encumbrances
Kansas	Negotiable			N/A	Negotiable, Divided Equally if purchase contract silent	Buyer pays for recording of Deed
Kentucky	Negotiable					
Louisiana	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Varies	Generally Buyer pays but negotiable	Buyer pays all other recording fees Seller pays release of encumbrances
Maine				Divided Equally		Buyer pays recording fees Seller pays release recording fees
Maryland	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Divided Equally	Negotiable, usually Buyer	Negotiable, usually Buyer
Massachusetts					Negotiable	Buyer pays recording fees Seller pays release recording fees
Michigan			Negotiable, usually paid by Seller		Negotiable. Divided Equally unless otherwise negotiated	Buyer pays for recording of Deed
Minnesota	Negotiable, usually Buyer		Negotiable, usually paid by Seller		Negotiable, usually shared by parties	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Mississippi	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	N/A	Negotiable	Negotiable, usually Buyer for recording fees Seller pays for removing encumbrances
Missouri	Varies by County - Negotiable		Varies by County - Negotiable	N/A	Negotiable	Varies by County - Negotiable, normally Buyer

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Source for eClosing RON status: <https://www.firstam.com/title/eclosing/>

Real Estate Customs by State

Yes No

State	Title Insurance Rates	Form of Conveyance	State Encumbrance Forms	Attorney State	Preliminary Report or Commitment	Deed Transfer Tax
Montana	Filed Rate	Customary (non-statutory) forms are Warranty Deed and Quitclaim Deed	Land Sales Contract Deed of Trust Mortgage (not to exceed 40 acres)		Commitment Only	
Nebraska	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment Only	\$2.25 per thousand: Documentary Stamp Act Real Estate Transfer Statement filed with Deed
Nevada	Filed Rate	Grant Deed Bargain and Sale Deed Quitclaim Deed	Deed of Trust		Commitment Only	Real Property Transfer Tax
New Hampshire	Filed Rate up to \$1 million	Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	Real Property Transfer Tax
New Jersey	Filed Rate	Bargain and Sale Deed	Mortgage	Varies per location	Commitment Only	Realty Transfer Fee and Mansion Tax
New Mexico	Promulgated Rate by State Insurance Department	Warranty Deed New Mexico Real Estate Contract	Deed of Trust Mortgage		Commitment Only	
New York	Filed Rate	Warranty Deed (Zone 1) Bargain and Sale Deed (Zone 2)	Mortgage		Certificate of Title	N.Y. State Transfer Tax. Local Transfer Tax depends on location of property
North Carolina	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only	Excise tax on conveyances (plus additional transfer tax in some coastal counties)
North Dakota	Filed Rate	Warranty Deed	Mortgage	Abstracts and Attorneys' opinions are required to issue any title insurance commitment	Commitment Only	No tax required, but deed must be recorded with a Statement of Full Consideration
Ohio	Filed Rate	Warranty Deed Quitclaim Deed Limited Warranty Deed	Mortgage		Commitment Only	Amount varies by County from \$1 - \$4/\$1000. \$0.50 per parcel transfer tax
Oklahoma	Not Filed	Warranty Deed	Mortgage	Abstracts and Attorneys' opinions are required to issue any title insurance policy	Commitment Only	Documentary Stamp Tax
Oregon	Filed Rate	Statutory: Warranty Deed, Special Warranty Deed, Bargain and Sale Deed and Quitclaim Deed (rare)	Deed of Trust Mortgage (rare)		Preliminary Report; Commitment upon request	Real Property Transfer Tax assessed in Washington County only
Pennsylvania	Filed Rate through the Title Insurance Rating Bureau of Pennsylvania (TIRBOP)	Special Warranty Deed	Mortgage		Commitment Only	Realty Transfer Tax
Rhode Island	Filed to \$2MM	Warranty Deed Quitclaim Deed Bargain and Sale Deed	Mortgage		Commitment Only	Real Estate Conveyance Tax
South Carolina	Filed Rate	Warranty Deed	Mortgage	Yes	Commitment Only	Documentary Stamp Tax
South Dakota	Filed Rate	Warranty Deed	Mortgage	Policy must be signed by a licensed abstractor for a fee in county where property is located	Commitment Only	Certificate of Real Estate Value must be filed with deed. Transfer tax is \$.50/\$500.00 or fraction thereof
Tennessee	Filed Rate	Warranty Deed Quitclaim Deed Special Warranty Deed	Deed of Trust Mortgage (rare)		Commitment Only	Warranty Deed: tax on greater of consideration paid or property value Quitclaim Deed: tax on consideration paid
Texas	Promulgated Rate by State Insurance Department	Warranty Deed Special Warranty Deed	Deed of Trust Mortgage (rare)		Commitment Only	
Utah	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment Only	
Vermont	Filed Rate up to \$1 million	Warranty Deed Quitclaim Deed Fiduciary Deed	Mortgage		Commitment Only	Property Transfer Tax— Declaration required
Virginia	Not Filed	Warranty Deed Special Warranty Deed	Deed of Trust	Deeds must be prepared by a non-title company attorney	Commitment Only	Recording Tax and Grantor Tax. Local recording taxes as authorized by the State
Washington	Filed Rate (Subject to State sales tax)	Statutory Warranty Deed, Bargain and Sale Deed	Deed of Trust Mortgage		Commitment Only	Real Estate Excise Tax based on graduated percentages of selling price, and Local Excise Tax percentage of selling price
West Virginia	Filed Rate	Warranty Deed	Deed of Trust	Attorney must certify title, prepare Deeds and Deeds of Trust and conduct settlement	Commitment Only	Transfer Tax and Non Resident Withholding Tax
Wisconsin	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Real Estate Transfer Tax
Wyoming	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Statement of Consideration must be completed to record a Deed

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Real Estate Customs by State

Yes No

State	Mortgage Tax	Leasehold Tax	UCC Designation	UCC Status	eClosing: RON status
Montana			Title	Authorized	Law Passed
Nebraska	N/A	N/A	P&C	Authorized	Law Passed
Nevada			Title	Authorized	Law Passed
New Hampshire		Unless duration is tantamount to a conveyance, e.g., 99 years	P&C	Authorized	No Legislation
New Jersey		Not applicable if lease is less than 99 years including renewals	P&C	Authorized	Legislation Pending
New Mexico			P&C	Authorized	Legislation proposed, not passed
New York	Varies by County	N.Y. State Transfer Tax	Title	Authorized	Legislation Pending
North Carolina		Only in Currituck and Dare County	P&C	Authorized	No Legislation
North Dakota			Title	Authorized	Law Passed
Ohio		None, except for leaseholds, which are renewable forever	P&C	Authorized	Law Passed
Oklahoma	Buyer usually pays		Title	Authorized	Law Passed
Oregon			P&C	Pending	No Legislation
Pennsylvania	No	Possible Tax - consult with local office	P&C	Authorized	Law passed
Rhode Island			Title	Authorized	No Legislation
South Carolina	No		P&C	Authorized	Legislation Pending
South Dakota	No		Title	Authorized	No legislation
Tennessee			P&C	Authorized	No legislation (RIN available)
Texas			Title	Authorized	Law Passed
Utah			Title	Authorized	Law Passed
Vermont		Unless lease is 50 years or more	Title	Authorized	Law Passed
Virginia	State, City, and County may apply	State, City, and County may apply	Title	Authorized	Law Passed
Washington			Title	Authorized	Law Passed
West Virginia	None	Real Estate Excise Tax applies to value of any improvements transferred.	Title	Authorized	No Legislation
Wisconsin		Unless lease is 99 years or more	Title	Authorized	Law Passed
Wyoming	N/A	N/A	Title	Authorized	No Legislation

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Customary Standard Fee Splits

Buyer Seller

State	Owner's Policy	Loan Policy	Search; Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
Montana	Negotiable, usually Buyer pays for extended coverage portion of premium. Seller pays for standard coverage of premium	Negotiable, usually buyer	Included in premium	N/A	Negotiable, usually Divided Equally	Buyer: Realty Transfer Certificate must be completed to record a Deed
Nebraska	Divided Equally		Negotiable	Seller pays; \$2.25 per thousand	Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Nevada	Seller pays standard coverage portion buyer pays additional for extended		Included in premium	Seller pays but can be negotiated	Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
New Hampshire				Divided Equally		Buyer pays recording fees Seller pays release recording fees
New Jersey				Typically Buyer pays Mansion Tax Seller pays Realty Transfer Fee	Varies	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
New Mexico	Negotiable. Typically Seller pays standard coverage portion and Buyer pays additional for extended.	Negotiable. Typically, Buyer pays for loan policy/endorsements	Included in premium	N/A	Negotiable - customarily Divided Equally	Parties pay their own attorneys for doc preparation fees. Seller pays Deed; Buyer pays Mortgage
New York			Fully Negotiated (Zone 1) Included in Premium (Zone 2)	Payable by Seller except for the additional ("Mansion") tax, which if applicable, is payable by Buyer	N/A	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
North Carolina					Negotiable	Buyer pays to record all other documents Seller pays to record Deed and release of any encumbrances
North Dakota	Negotiable, usually Buyer	Borrower	Seller pays for abstract only	N/A	Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Ohio	Negotiable				Negotiable, usually Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Oklahoma	Negotiable	Negotiable	Attorneys' opinions vary by local practice; abstract fees are various rates filed by each abstract company	Negotiable	Negotiable	Buyer pays to record Mortgage Seller pays recording for any docs to convey or disencumber the property
Oregon	Buyer pays for extended coverage portion of premium Seller pays for standard coverage premium		Included in premium	Only in Washington County — Negotiable, but customarily divided equally	Divided Equally	
Pennsylvania	Buyer to pay for both their owners policy and the lender's loan policy.	Buyer to pay for both their owners policy and the lender's loan policy.	Included in premium	Divided Equally	Included in premium	Buyer pays to record Deed & Mortgage Seller pays to record release documents
Rhode Island						Buyer pays to record Deed, Mortgage & Assignment Seller pays for recording docs to remove encumbrances
South Carolina			Search, etc. are NOT included in premium, fees established by attorney-agent	\$3.70/\$1000	Negotiable	Value may be required. Buyer pays to record Deed & Mortgage Seller pays to record release documents
South Dakota	Split is required only when licensed abstractor must sign	Split is required only when licensed abstractor must sign	Varies by County		Varies by County	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Tennessee	Negotiable		Negotiable except in those counties where search and exam fees are included in the premium		Negotiable	Buyer pays to record Deed & Deed of Trust Seller pays for recording releases
Texas	Buyer pays for endorsements Seller pays base premium		Included in premium	N/A	Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Utah	Negotiable, usually Seller		Included in premium; may be additional "Special Project" charge	N/A	Varies by transaction. Usually split equally, but the rates are not promulgated.	Buyer pays to record Deed & Mortgage Seller pays to record docs to remove encumbrances
Vermont					Negotiable — Closing normally handled by attorney performing the title examination	
Virginia	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Buyer normally pays State & Local Taxes Seller pays Grantor's Tax	Negotiable	Buyer pays to record Deed & Mortgage Seller pays to record docs to remove encumbrances
Washington	Negotiable, usually Buyer pays for extended coverage portion of premium. Seller pays for standard coverage of premium		Included in premium	Seller pays Real Estate Excise Tax	Divided Equally	
West Virginia	Negotiable, usually Buyer	Negotiable, usually Buyer	Buyer; Exam fees not included in premium; fees established by examining attorney	Typically paid by Seller	Negotiable. Typically paid by Buyer	Typically paid by Buyer
Wisconsin			Negotiable		Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Wyoming	Negotiable, usually Seller	Negotiable, usually Buyer	Included in premium	N/A	Negotiable, usually Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances

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Information at *your* fingertips

At First American Title National Commercial Services, we want to make your job easier.

That's why we created this helpful state-by-state guide.

Containing valuable information, this guide provides a detailed look at local customs throughout the nation.

If you need more information, please reach out to your local First American Title National Commercial Services representative.

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