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	Mortgage Tax	Leasehold Tax
Alabama	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Recordation Tax	Yes	Yes
Alaska	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only			
Arizona	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment Only			
Arkansas	Not Filed	Warranty Deed	Deed of Trust Mortgage		Commitment Only	Based on full consideration set forth in Affidavit of Value		
California	Filed Rate	Grant Deed	Deed of Trust		Preliminary Report; Commitment upon request	County Documentary Transfer Tax City Tax (in some cities)		Yes: Applies to all leases of 35 years or more; whether options to extend are counted for lease term varies by County
Colorado	Filed Rate	Warranty Deed, Special Warranty Deed, Bargain and Sale Deed (rare), or Quitclaim Deed	Deed of Trust/Public Trustee for each County		Commitment Only	Documentary Fee City Transfer Fee (in some cities)		
Connecticut	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	City Conveyance Tax State Conveyance Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
Delaware	Filed Rate	Special Warranty Deed	Mortgage		Commitment Only	State Transfer Tax Local Transfer Tax		Unless lease exceeds 5 years
District of Columbia	Filed Rate	Special Warranty Deed	Deed of Trust with Private Power of Sale		Commitment Only	Transfer Tax Recordation Tax	Recordation Tax on Money loaned subject to any applicable exemptions	Excludes leases with terms of less than 30 years including options to renew
Florida	Promulgated Rate by State Insurance Department	Special Warranty Deed or Warranty Deed	Mortgage		Commitment Only	Documentary Stamp Tax plus surtax (in Miami-Dade County)	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)
Georgia	Published Rate	Warranty Deed	Deed to Secure Debt Mortgage (rare)		Commitment Only	Real Estate Transfer Tax must be accompanied by Real Estate Transfer Tax Declaration Form	Intangible Recording Tax	
Hawaii	Posted Rate	Warranty Deed	Mortgage		Preliminary Report; Commitment upon Request	State Conveyance Tax Certificate Form must accompany Deeds, Leases & Assignments thereof, and Agreements of Sale		Applied where unexpired term is for 5 years or more – See Deed Transfer Tax
Idaho	Filed Rate	Customary (non-statutory) forms: Warranty Deed, bargain and sale, and Quitclaim Deed	Deed of Trust Mortgage		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		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.
Indiana	Filed Rate	Warranty Deed	Mortgage		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		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	Warranty Deed	Mortgage		Commitment Only	Sales Validation Questionnaire must accompany all Deeds to be recorded	Mortgage Registration Tax	
Kentucky	Filed Rate	Warranty Deed	Mortgage		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	Documentary transfer tax in Orleans Parish Only	Orleans Parish Only
Maine	Filed Rate up to $1 million	Warranty Deed	Mortgage		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	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
Massachusetts	Not Filed	Quitclaim Deed Warranty Deed	Mortgage		Commitment Only	Deed stamps based on consideration in Deed. Extra county taxes in Barnstable, Land Bank fee in Dukes & Nantucket Counties		Unless duration is tantamount to a conveyance, e.g., 99 years
Michigan	Filed Rate	Warranty Deed	Mortgage		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		Commitment Only	State Deed Tax. A Certificate of Real Estate Value and Well Disclosure Certificate must accompany all Deeds to be recorded	Mortgage Registry Tax	
Mississippi	Not Filed	Warranty Deed	Deed of Trust		Commitment Only			
Missouri	Not Filed	Warranty Deed	Deed of Trust		Commitment Only			

UCC Status: Nearly all states are authorized for UCC Insurance.
UCC Designation: Property & Casualty States: Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, and Minnesota, Mississippi, and Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania South Carolina, Tennessee.
Title Insurance States: Alaska, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Montana, Nevada, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Customary Standard Fee Splits

Buyer ☐ Seller ☐

Owner's Policy	Loan Policy	Search: Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
Negotiable, usually Seller		Negotiable		Negotiable	Negotiable
Negotiable, usually Seller		Included in premium	N/A	Divided Equally	Divided Equally
		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
		Negotiable, usually Seller	Customarily Split	Divided Equally	Negotiable, usually Buyer
Varies		Included in premium	Seller pays County tax City tax varies	Varies by County	Seller pays recording fees on documents needed to clear title
		Included in premium, for most counties — except for multi-chains of title or special services		Divided Equally	
			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
			Divided Equally	Negotiable	Negotiable
Negotiable	Negotiable	Negotiable	Buyer pays Recordation Tax Seller pays Transfer Tax	Negotiable	Negotiable
Negotiable, usually Buyer		Negotiable, usually Seller	Negotiable, usually Seller	Negotiable, usually Divided Equally	Buyer pays instruments of conveyance & financing Seller pays instruments to clear title
Negotiable		Negotiable		Negotiable	Varies
Buyer—40% Seller—60%		Included in premium	Negotiable, usually Seller	Divided Equally	
Negotiable, usually Buyer Seller pays for standard coverage of premium	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
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
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
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
Negotiable			N/A	Negotiable, Divided Equally if purchase contract silent	Buyer pays for recording of Deed
Negotiable					
Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Varies		Buyer pays all other recording fees Seller pays release of encumbrances
			Divided Equally		Buyer pays recording fees Seller pays release recording fees
Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Divided Equally	Negotiable, usually Buyer	Negotiable, usually Buyer
				Negotiable	Buyer pays recording fees Seller pays release recording fees
		Negotiable, usually paid by Seller		Negotiable. Divided equally unless otherwise negotiated	Buyer pays for recording of Deed
				Shared by parties	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	N/A	Negotiable	Negotiable, usually Buyer for recording fees and Seller for removing encumbrances
Varies by County - NEGOTIABLE		Varies by County - NEGOTIABLE	N/A	Negotiable	Varies by County - NEGOTIABLE, NORMALLY BUYER

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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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	Mortgage Tax	Leasehold 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	N/A	N/A
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	Yes: Real Property Transfer Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
New Jersey	Filed Rate	Bargain and Sale Deed	Mortgage	Varies per location	Commitment Only	Realty Transfer Fee and Mansion Tax		Not applicable if lease is less than 99 years including renewals
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	Varies by County	N.Y. State Transfer Tax
North Carolina	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only	Excise tax on conveyances (plus additional transfer tax in some coastal counties).		Only in Currituck and Dare County
North Dakota	Filed Rate	Warranty Deed	Mortgage	Abstracts and Attorneys' Opinions are required to issue any title insurance policy.	Commitment Only			
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.		None, except for leaseholds, which are renewable forever.
Oklahoma	Not Filed	Warranty Deed	Mortgage		Commitment Only	Documentary Stamp Tax	Buyer usually pays	
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	Special Warranty Deed	Mortgage	Most business done direct by underwriter or through title agents but there is an Approved Attorney designation	Commitment Only	Realty Transfer Tax	No	POSSIBLE TAX - consult with local office
Rhode Island	Negotiable	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	No	
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.	No	
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	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		Unless lease is 50 years or more
Virginia	Not Filed	Warranty Deed Special Warranty Deed	Deed of Trust	Deeds must be prepared by a non-title company attorney	Commitment Only	Recordation Tax and Grantor Tax. Local recording taxes as authorized by the State.	State, City, and County may apply	State, City, and County may apply
Washington	Filed Rate (Subject to State sales tax)	Statutory: Warranty Deed, Bargain and Sale Deed, and Quitclaim Deed	Deed of Trust Mortgage		Commitment Only	Real Estate Excise Tax based on percentage of sales price		
West Virginia	Filed Rate	Warranty Deed	Deed of Trust	Attorney must certify title, prepare Deeds and Deeds of Trust and conduct settlement	Preliminary Report or Title Commitment	Transfer Tax and Non Resident Withholding Tax		
Wisconsin	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Real Estate Transfer Tax		Unless lease is 99 years or more
Wyoming	Filed Rate	Statutory: Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	Statement of Consideration must be completed to record a Deed	N/A	N/A

Customary Standard Fee Splits

Buyer ☐ Seller ☐

Owner's Policy	Loan Policy	Search: Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
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
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
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
			Divided Equally		Buyer pays recording fees Seller pays release recording fees
			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
		Included in premium	N/A	Negotiable - customarily divided equally	Parties pay their own attorneys for doc preparation fees, Seller pays Deed; Buyer pays Mortgage.
		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
				Negotiable	Buyer pays to record all other documents Seller pays to record Deed and release of any encumbrances
		Seller pays for abstract only	N/A		Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Negotiable				Negotiable, usually Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
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
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	
		Included in premium	Divided Equally	Included in premium	Buyer pays to record Deed & Mortgage. Seller pays to record release documents
					Buyer pays to record Deed, Mortgage & Assignment Seller pays for recording docs to remove encumbrances
		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
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
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
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
Negotiable, usually Seller		Included in premium; may be additional "Special Project" charge	N/A	Divided Equally; escrow fees are a minimum filed rate	Buyer pays to record Deed & Mortgage Seller pays to record docs to remove encumbrances
				Negotiable — Closing normally handled by attorney performing the title examination	
Negotiable	Negotiable	Negotiable	Buyer normally pays State & Local Taxes Seller pays Grantor's Tax	Negotiable	Negotiable
Negotiable, usually Buyer pays for extended coverage portion of premium. Seller pays for standard coverage of premium		Included in premium	Excise tax up to 2.78 percent of the sales price plus a $5.00 State Technology fee	Divided Equally	
Negotiable, usually Buyer	Negotiable, usually Buyer	Buyer; Exam fees not included in premium; fees established by examining attorney.			
		Negotiable		Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
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

UCC Status: Nearly all states are authorized for UCC Insurance.
UCC Designation: Property & Casualty States: Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee.
Title Insurance States: Alaska, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Montana, Nevada, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

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Your Guide to

Real Estate

Customs by State

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