

**REQUIREMENTS**  
**FOR ALL INSTRUMENTS OF**  
**CONVEYANCE IN FULTON COUNTY**

**The within Standards Governing Conveyances of Real Property in  
Fulton County are hereby adopted.**

These land transfer policies and procedures are subject to change as  
determined by the Fulton County Auditor and Fulton County Engineer. They will not  
be changed without public notice and two public hearings as required by law.

Original Enacted: June 1, 2001  
Revised: August 24, 2016

Approved by:

Brett J. Kolb

Brett J. Kolb  
Fulton County Auditor

Date 08-24-2016

Frank T. Onweller

Frank T. Onweller, P.E., P.S.  
Fulton County Engineer

Date 8/24/16

## PURPOSE

The overall intent of these requirements is to provide a standard method for checking legal descriptions for deeds, affidavits and other instruments that require the use of land descriptions for the transfer of land.

It is the desire of this county to provide a service for the public to insure that proper and accurate descriptions are utilized when conveying property, to correct any errors that are evident, and to insure that property is accurately described for tax purposes.

It is recognized that all situations cannot be covered by these requirements and when these situations arise, they will be handled as special cases by a group composed of the Fulton County Engineer, Auditor, Recorder, and Planning Director.

These procedures are in accordance with Sections 319.203 and 5313.02 of the Ohio Revised Code.

## LAND TRANSFER POLICY

### Requirements for all land transfers:

1. Prior to submittal to the Fulton County Auditor for transfer on tax list, all instruments of conveyance must be submitted for examination by the Fulton County Mapping Department, at the Fulton County Engineer's Office, to determine compliance with the provisions of this Land Transfer Policy. All persons submitting instruments of conveyance are encouraged to have descriptions examined before the actual date of transfer and/or closing since the time required to examine the descriptions may be lengthy. It is recommended that all instruments of conveyance be submitted for examination at least five (5) business days prior to the actual date of transfer and/or closing, however a minimum of two (2) business days may suffice for most conveyances. This prior examination will avoid delays and allow time for any corrections that may be necessary.
2. All instruments of conveyance and Land Installment Contracts that are land splits shall be submitted to Fulton County Planning for review in accordance with the Fulton County Subdivision Regulations.
3. All reference to cities, villages, roads, recorded plats, railroads, streams, etc., must use current or existing names of record as much as practicable. Old or original names or numbers may be used along with, but not in place of, a current name or number for chain of title purposes.
4. Whenever the intent of any instrument of conveyance is to convey ownership of an adjacent parcel for the purpose of expanding the use of an existing parcel, and such parcel cannot be combined with the existing parcel into a single parcel, and such proposed conveyance does not meet Planning Commission regulations, a statement of intent of such combined use shall be required to be stated upon said instrument prior to approval for said restricted transfer.

As required by the County Auditor, when combining land each parcel must have the exact same deeded ownership and if there is a mortgage on one parcel and not on the other they may be combined with the condition of split approval stated in the deed: "As a condition of split approval, Grantees stipulate and agree that in the event of foreclosure of any existing mortgage with respect to the forgoing permanent parcel, the above described premises shall be included within the foreclosure proceeding and be subject to sale as part of the tax parcel subject to foreclosure and sale".

5. Every instrument of conveyance shall have its parcel number stated on said instrument immediately following each individual parcel description.
6. The previous instrument's volume and page shall be on all instruments of conveyance pursuant to O.R.C. Section 319.20.

7. It is requested that all instruments of conveyance leave adequate space for affixing the necessary certifications by the appropriate county offices.

Fulton County Recorder's Standardization Guidelines (ORC 317.114)

- Computer font size of at least 10 point
  - Minimum paper size 8 ½ x 11, maximum size 8 ½ x 14
  - Black or blue ink only
  - No use of highlighting
  - Margins of 1" on each side of the page and on the bottom
  - 3" margin on the top of the first page
  - 1 ½ margin on the top of each of the remaining pages
  - If document doesn't conform, an additional \$20.00 recording fee will be collected.
8. The following real property conveyances shall be exempt from new survey and plat requirements however the legal description may be stamped "Inadequate for Future Transfers":
    - a. To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child, or the spouse of either;
    - b. On sale for delinquent taxes or assessments;
    - c. To a trustee acting on behalf of minor children of the deceased;
    - d. Of property sold to a surviving spouse pursuant to Section 2106.16 of the Revised Code;
    - e. Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;
    - f. To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;
    - g. To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;
    - h. Sheriff execution sales;
    - i. If the legal description is stamped "Inadequate for Future Transfers", it shall pertain to this immediate exemption only and does not apply for future transfer.
  9. Except for the conveyances that are exempt from new survey and plat requirements as described in Section 8 above, a survey and description is otherwise required whenever land to be conveyed is only part of the grantor's land or the boundary lines of the land to be conveyed are different from the legal description of the land conveyed in the most recent conveyance of all or part of that land. If a boundary survey is required under the terms of this Section, the survey plat and description must satisfy the minimum standards for the boundary surveys promulgated by the Board of Registration for Professional Engineers and Surveyors pursuant to Chapter 4733 of the Ohio Revised Code, and must be submitted to the Fulton County Mapping Department for review.

10. If the Fulton County Mapping Department determines that the survey plat and description satisfy those standards as set forth above, and approves the survey plat and description, a copy of the survey plat shall be filed in the engineer's record of surveys. The filed survey plats are public records under Section 149.43 of the Ohio Revised Code
  
11. All original surveys of splits approved by the Fulton County Regional Planning Commission must be presented with the Regional Planning Commission stamp of approval on the deed to the Fulton County Auditor's Office at the time of transfer. An original copy of the survey shall also be submitted to the Fulton County Engineer's Office.
  
12. When the boundary lines of adjoining tracts of land, or lots in a municipal corporation do not meet, or overlap and encroach upon each other by recorded instruments, the owner(s) of said tracts or lots shall remedy such situations prior to submitting an instrument for approval to the Fulton County Mapping Department.
  
13. Descriptions that purport to be a part of, or refer to a subdivision that is not of record of plats of the Fulton County Recorder shall not be approved.

**Requirements for all platted lots of record:**

1. All instruments conveying a platted lot in a municipality or other subdivided area must designate the following: lot number(s) and the official recorded plat title.
  
2. Any subdivision or split of an existing platted lot must have an accurate description to establish a tax structure for the portion being conveyed. This enables the Fulton County Offices to determine the residual land (remaining balance) based on existing records.
  
3. Any vacated platted lot(s) that are not absorbed by adjacent parcel shall be described by a metes and bounds description since the lot lines will no longer exist. This new description shall also refer to the former subdivision and lot(s) number for title chain purposes.

**Requirements for all metes and bounds descriptions of record:**

1. All descriptions must denote the state, county and municipality or township, range, section and quarter section, must have a monumented point of commencement and a clear point of beginning and close. A point of commencement is a monumented corner that is maintained by ODOT or the Fulton County Engineer's Office or is a monumented lot or plat corner of a recorded plat. The description of any parcel that is located in more than one quarter section shall show the number of acres contained in each quarter section and the total number of acres being conveyed.
2. Any existing metes and bounds description, which, since the previous conveyance, has been incorporated into a municipality or transferred to another political subdivision by means of annexation, must be modified to reflect the new corporate location.
3. If a description spans more than one tax district, and the property cannot be combined for real property taxation purposes (for example, part in a municipality and part outside a municipality), the acreage must be stated for the part located in each tax district.

When splitting and combining multiple pieces of land, the deed or survey, must state how many acres are being split from each piece of land to create the new parcel.

4. Each description shall state the total acreage being conveyed by each parcel after the exceptions have been made.
5. To aid the Recorder in indexing instruments, all quarter sections of the parcel must be identified.
6. Deeds may have NO MORE THAN THREE (3) EXCEPTIONS and each exception must be fully described and meet these description requirements. After the exception is described, an acreage must accompany the conveyance of intention and all exceptions. Also the plat of survey must show the parcel of intention and all excepted parcels.