

Stewart National
Title Services

State Laws and
Customs Toolkit



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STATE LAWS AND CUSTOMS

LEGEND

Customary Fee Splits:



Buyer



Seller

★ Buyer pays to record deed and mortgage;
Seller pays to record documents to remove encumbrances

	Title Insurance Rates	State Encumbrance Forms	Customary Closing Entity	Commitment Issued?	Duration of Commitment	When is Bill Issued?	Deed Transfer Tax?	Mortgage Tax?	Leasehold Tax?	Owner's Policy Premium	Loan Policy Premium	Title Search & Exam	Survey Charges	Deed Transfer Tax	Closing Fees	Recording Fees			
ALABAMA	Filed	Mortgage	Title or escrow company/Attorney	Y	6 months	Invoice with commitment	Y, Deed Tax	Y	Y	Negotiable	+	Negotiable	Negotiable	+	Negotiable	★	AL		
ALASKA	Filed	Deed of Trust	Title or escrow company; Others	Y	6 months	At closing	N	N	N	◆ Sometimes negotiable	+	Included in premium	◆ Sometimes negotiable	N/A	Negotiable; Usually divided equally	Negotiable; Usually divided equally	AK		
ARIZONA	Filed	Deed of Trust; Mortgage	Title or escrow company; Others	Y	6 months	At closing	N	N	N	◆	+	Included in premium	Negotiable	N/A	Divided equally	Negotiable	AZ		
ARKANSAS	Not filed	Deed of Trust; Mortgage	Abstract/Title company	Y	6 months	Invoice with commitment	Y, Deed Transfer Tax	N	N	◆	+	Sometimes included in premium – depends on local custom	Negotiable	◆ Affidavit of value	Divided equally	+	AR		
CALIFORNIA	Filed	Deed of Trust	Title or escrow company; Others	Upon request	6 months	When policy issues	Y, County and City Documentary Transfer Taxes	N	Y	Varies	+	Included in premium	+	◆ Seller pays county tax; City tax varies	Varies by county	★	CA		
COLORADO	Filed	Deed of Trust to Public Trustee; Mortgage (rare)	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Documentary Tax	N	N	◆	+	Included in premium	Negotiable	+	Divided equally or by contract	+	CO		
CONNECTICUT	Filed	Mortgage	Attorney	Upon request	6 months	Invoice with commitment	Y, State, Municipal Real Estate Conveyance Taxes	N	N	+	+	+	+	◆	Negotiable	★	CT		
DELAWARE	Filed	Mortgage	Attorney	Y	6 months	At closing	Y	N	Y, If lease is 5 years or more	+	+	+	+	◆	Divided equally	Buyer; Sussex County Seller pays deed preparation	+	DE	
D.C.	Filed	Deed of Trust; Mortgage (rare)	Title or escrow company; Others	Y	6 months	At closing	Y, Transfer and Recordation Taxes	Y, Recordation Tax but most residential Deeds of Trust are exempt	Y, Transfer and Recordation Tax applicable for leasehold 30 years or more	+	+	+	+	◆	Divided equally	Divided equally or by contract	Customarily Seller records deed, Buyer records Deed of Trust	D.C.	
FLORIDA	Promulgated Rate by State Insurance Department	Mortgage	Attorney; Title or escrow company; Others	Y	6 months	At closing	Y, Documentary Tax (Plus surtax in Dade County)	Y, Documentary Fee Tax, non-recurring Intangible Personal Property Tax	N	◆ Sometimes negotiable	+	Seller customary but negotiable	+	Buyer pays Mortgage Tax; Seller pays Deed Tax	Negotiable; Varies by county	Buyer: Records mortgage; Seller: Records deed	FL		
GEORGIA	Filed	Security Deed (aka Deed to Secure Debt); Mortgage	Attorney	Y	6 months	Invoice with commitment	Y, Real Estate Transfer Tax	Y, Intangible Recording Tax	N	+	+	Negotiable	Negotiable	◆	Negotiable	+	GA		
HAWAII	Not filed	Mortgage	Title or escrow company; Others	Y	6 months	When policy issues	Y, State Conveyance Tax	N	Y, If lease or sublease has term over 5 years	Typically 40% Buyer, 60% Seller	+	Included in premium	Usually Seller	◆	Standard contracts list customary charges	Buyer pays all recording fees except documents to clear Seller's title	HI		
IDAHO	Filed	Deed of Trust; Mortgage (depends on usage and acreage)	Title or escrow company; Others	Y	6 months	Varies with office	N	N	N	◆	+	Included in premium	Negotiable	N/A	Divided equally	+	ID		
ILLINOIS	Not filed	Mortgage; Deed of Trust	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Real Estate Transfer Tax; (State, county, sometimes local)	N	Y, State for leases with a term of 30 years or more, including all options to renew and extend; Y, Some counties and municipalities	◆	+	◆ Some areas are abstract areas; Fees vary	◆	◆ Buyer often pays Local Transfer Tax	Divided equally	★	IL		
INDIANA	Not filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	N	N	N	◆	+	◆	Negotiable	N/A	Negotiable	Buyer: Recordation of all other docs; Seller: Recordation of Deed, release of encumbrances	IN		
IOWA	No title insurance companies licensed within state; Title policies written outside state	Mortgage	Attorneys, local abstractors and closing companies	Y	6 months	Invoice with commitment	Y, Real Estate Stamp Tax	N	N	Negotiable	+	Buyer: Post-closing charges; Seller: Pre-closing, abstract charges	Negotiable	◆	Negotiable	★	IA		
KANSAS	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Variable; With commitment or closing	N	Y, Mortgage Registration Tax	N	Varies by county	+	Varies by county	◆ Case-by-case basis; Buyer obtains survey, or cost is split	N/A	Divided equally	★	KS		
KENTUCKY	Filed; Subject to Municipal Premium Tax	Mortgage	Attorney	Y	6 months	Invoice with commitment	Y, Deed Transfer Tax	N	N	+	+	+	+	◆	+	+	KY		
LOUISIANA	Filed	Mortgage	Title company; Attorney	Y	6 months	Invoice with commitment or at closing	Y, Documentary Tax, Orleans Parish only	N, Documentary Tax, Orleans Parish only	N, Documentary Tax, Orleans Parish only	+	+	Negotiable	Negotiable	N/A	+	★	LA		
MAINE	Filed	Mortgage	Closing company; Attorney	Y	6 months	At closing	Y, Real Estate Transfer Tax	N	N	+	+	+	+	◆	Divided equally	+	★	ME	
MARYLAND	Filed	Deed of Trust; Mortgage (rare)	Title or escrow company; Others	Y	6 months	At closing	Y, State, County, Agricultural Transfer Taxes; Recordation Tax	Y, State Recordation Tax	Y, Deeds Ground and Commercial Leases taxed as deeds	+	+	+	+	◆	Negotiable; Usually split	Negotiable; Usually Buyer pays	Negotiable; Usually divided equally	MD	
MASSACHUSETTS	Not filed	Mortgage	Attorney	Y	6 months	At closing – residential, at commitment – commercial	Y, Deed Excise Tax	N	N	+	+	+	+	◆	Except for parts of Worcester County	+, Seller is used to resolve description and title issues	◆	★	MA
MICHIGAN	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Real Estate Transfer Tax	N	N	◆	+	Included in premium	Negotiable	◆	+	+	+	MI	
MINNESOTA	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y	Y, Mortgage Registry Tax	N	Negotiable	+	Seller must provide evidence of the current status of title, usually by providing a commitment; Buyer pays for the exam	Negotiable	◆ By statute	Shared by parties	Typically Buyer unless otherwise negotiated	MN		
MISSISSIPPI	Not filed	Deed of Trust	Attorney	Y	6 months	Invoice with commitment	N	N	N	Negotiable; Usually Buyer	Negotiable; Usually Buyer	Negotiable; Usually Seller	Negotiable; Usually Seller	N/A	Negotiated	+	MS		
MISSOURI	Filed	Deed of Trust	Title or escrow company; Others	Y	6 months	Variable; With commitment or closing	N	N	N	Varies by county	+	Varies by county	◆ Case-by-case basis; Buyer obtains survey or cost is split	N/A	Divided equally	★	MO		
MONTANA	Filed	Deed of Trust; Trust Indenture; Over 40 acres, use Mortgage	Title company	Y	6 months	At closing	N	N	N	◆	+	Included in premium	Usually Buyer	N/A	Divided equally	Buyer: Pays to record financing documents; Seller: Pays to record deed	MT		
NEBRASKA	Filed	Deed of Trust; Mortgage	Title or escrow company; Others	Y	6 months	Variable; With commitment or closing	Y	N	N	Divided equally	Divided equally	Included in premium	◆ Case-by-case basis; Buyer obtains survey, or cost is split	◆ Imposed on grantor by statute	Divided equally	Buyer: Pays all other charges; Seller: Pays recording fees for title clearance documents, deed and Documentary Tax	NE		

STATE LAWS AND CUSTOMS

	Title Insurance Rates	State Encumbrance Forms	Customary Closing Entity	Commitment Issued?	Duration of Commitment	When is Bill Issued?	Deed Transfer Tax?	Mortgage Tax?	Leasehold Tax?	Owner's Policy Premium	Loan Policy Premium	Title Search & Exam	Survey Charges	Deed Transfer Tax	Closing Fees	Recording Fees		
NEVADA	Filed	Deed of Trust	Title or escrow company; Others	Upon request	2 years	When policy issues	Y, Real Property Transfer Tax	N	N	◆	+	Included in premium	Buyer: S. Las Vegas vicinity; Negotiable: N. Reno vicinity	◆	Divided equally	Negotiable; Usually divided equally	NV	
NEW HAMPSHIRE	Filed	Mortgage	Title or escrow company; Attorney	Upon request	6 months	At closing	Y, Deed Transfer Tax	N	N	+	+	+	+	◆	Divided equally	★	NH	
NEW JERSEY	Filed	Mortgage	Attorney; North NJ; Title company; South NJ	Y	6 months	Invoice with commitment	Y	N	N, If lease is less than 99 years	+	+	+	+	◆	1 million or less – paid by Seller; 1 million or more – Seller pays Transfer Tax and Buyer pays Mansion Tax	Parties sometimes agree to split; Usually Buyer in North Jersey	+	NJ
NEW MEXICO	Promulgated Rate by State Insurance Department	Mortgage; Deed of Trust (rare)	Title company	Y	6 months	At closing	N	N	N	◆ Usually	+	Included in premium	+	N/A	Usually divided equally	Usually Seller pays for deed and title clearance documents; Buyer pays for financing documents; but negotiable	NM	
NEW YORK	Filed	Mortgage	Attorney	N	N/A	Invoice with title report	Y, Deed Excise Tax	Y	Y, Subject to type of transaction	New York-style closing requires simultaneous transfer of documents and consideration at meeting of parties. Recording takes place later. Most closing costs, including title insurance, are paid by Buyer. NYC Transfer Tax usually paid by Seller; State Real Estate Transfer Tax paid by Seller unless contractually negotiated to Buyer.							NY	
NORTH CAROLINA	Filed	Deed of Trust; Mortgage (rare)	Attorney; Non-attorney closing/settlement office	Y	6 months	Invoice with commitment	Y, Deed Excise Tax	N	N	+	+	+	+	◆	Negotiable	+	NC	
NORTH DAKOTA	Filed	Mortgage; Deed of Trust (rare)	Title or escrow company; Others	Y	6 months	Invoice with commitment	N	N	N	+	+	Exam paid by Buyer; Search is paid for by Seller	Typically paid by Seller, if needed	N/A	+	★	ND	
OHIO	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Conveyance Fee – Seller pays	N	N	Negotiable; Usually divided equally	+	◆	+	◆	Negotiable; Usually divided equally	★	OH	
OKLAHOMA	Not filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment or at closing	Y, Documentary Stamp Tax	Y	N	+	+	◆	+	◆	Negotiable; Usually divided equally	★	OK	
OREGON	Filed	Deed of Trust; Mortgage (rare)	Title or escrow company; Others	Upon request; Rarely issued	6 months	At closing	N, Except Washington County	N	N	◆	+	Included in premium	+	◆	Washington County only; Divided equally	Negotiable; Usually divided equally	★	OR
PENNSYLVANIA	Filed	Mortgage; Deed of Trust (rare)	Title or escrow company; Attorney	Y	6 months	Invoice with commitment	Y, State and Municipal	N	Y, If lease term is 30 years or more	+	+	Included in premium	+	◆	Divided equally	Included in premium	★	PA
RHODE ISLAND	Filed	Mortgage	Title company; Attorney	Y	6 months	When policy issued	Y, State Transfer Tax	N	N	+	+	+	+	◆	+	★	RI	
SOUTH CAROLINA	Filed	Mortgage	Attorney	Y	6 months	At closing	Y, Transfer Fee	N	N	+	+	+	+	◆	+	+	SC	
SOUTH DAKOTA	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Real Estate Transfer Tax	N	N	Divided equally	+	+	+	◆	Divided equally	+	SD	
TENNESSEE	Filed	Deed of Trust	Title company; Attorney	Y	6 months	Invoice with commitment	Y, Deed Transfer Tax	Y	N	Varies	+	Varies	Negotiable	+	Divided equally	+	TN	
TEXAS	Promulgated Rate by State Insurance Department	Deed of Trust and Vendor's Liens	Title or escrow company; Lender; Others	Y	90 days	At closing	N	N	N	◆	+	Included in premium	Free to lender; Optional on OTP (5% to 15%)	N/A	Set by escrow agent	★	TX	
UTAH	Filed	Deed of Trust	Title company	Y	6 months	At closing; Sometimes when policy issues	N	N	N	◆	+	Included in premium	Negotiated	N/A	Divided equally	+	UT	
VERMONT	Filed	Mortgage	Attorney	Y	6 months	At closing	Y, Property Transfer Tax	N	Y	+	+	+	N/A	+	+	+	VT	
VIRGINIA	Not filed	Deed of Trust; Mortgage (rare)	Title or escrow company; Attorney; Others	Y	6 months	At closing	Y	Y, State, local may apply	Y, State, local may apply	+	+	+	+	◆	Buyer pays grantee taxes (State and local); Seller usually pays grantor's tax	Buyer pays most closing fees except Seller's settlement fee	Buyer: Pays everything else; Seller: Pays for releases and grantor's tax	VA
WASHINGTON	Filed; Subject to sales tax	Deed of Trust; Mortgage	Title company or independent escrow company that must employ limited practice officer to conduct closing; Attorney	Y	6 months	At closing	Y, Real Estate Excise Tax	N	N	◆	+	Included in premium	+	◆	Negotiable	★	WA	
WEST VIRGINIA	Filed	Deed of Trust; Mortgage	Attorney	Y	6 months	At closing	Y, State and County Excise Taxes	N	N	+	+	+	+	◆	Buyer pays most closing fees except Seller's settlement fee	★	WV	
WISCONSIN	Filed	Mortgage and Security Agreement	Title or escrow company; Others	Y	6 months	Invoice with commitment	Y, Real Estate Transfer Fee	N	N	◆	+	Sometimes included in premium but negotiable if not included	Negotiable	◆	Buyer: All recording fees; Seller: Document preparation fees	★	WI	
WYOMING	Filed	Mortgage	Title company	Y	6 months	Paid at closing	N	N	N	◆	+	Included in premium	Negotiable	N/A	Divided equally unless there is an out of state lender; Buyer pays an additional "loan" closing fee	★	WY	

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