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	Policy Premium Loan	Title Search & Exam	Survey Charges	Taxes Transfer	Taxes Mortgage	Closing Fees	Recording Fees
ALABAMA	Filed	Warranty Deed	Mortgage	Title Company; approved attorney; bank	Y 6 months	With commitment or at closing	Y Deed Tax	Y	Y	Negotiable (Seller: Jefferson/Shelby counties)		Negotiable	Negotiable		Negotiable	Negotiable	Seller can pay
ALASKA	Filed	Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage (rare)	Title company; approved attorney; bank	Y 6 months	Varies by office	N	N (Sales Tax May Apply)	N	Negotiable		Included in Premium	Negotiable	N/A	N/A	Negotiable; usually divided equally	Negotiable; usually divided equally
ARIZONA	Filed	Warranty Deed; Special Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage	Title or escrow company; others	Y 6 months	At Closing	N	N	N	Buyer pays difference if Extended Coverage Policy Required		Included in Premium	Unless contracted otherwise	N/A	N/A	Divided equally	Unless contract specifies otherwise
ARKANSAS	Not Filed	Warranty Deed	Mortgage (preferred); Deed of Trust	Title or 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	
CALIFORNIA	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 (usually Buyer/Seller split)	
COLORADO	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
CONNECTICUT	Filed	Deeds: Warranty; Quitclaim; Ltd Wty; Special Wty; Trustee; Executor's; Certificate of Devise; Administrator	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	
DELAWARE	Filed	Special Warranty Deed; rare: Quitclaim Deed and General Warranty Deed	Mortgage	Attorney (required by law)	Y 6 months	With Commitment	Y Realty Transfer Tax	N	N Except residential leases more than 5 years				Negotiable	Customarily divided equally	N/A	Negotiable	
DISTRICT OF COLUMBIA	Filed	Special Warranty Deed (very rare: General Wty & Quitclaim)	Deed of Trust; Mortgage (rare)	Attorney; settlement agent, licensed title producer (when title policy sold)	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	
FLORIDA	Promul-gated	Warranty Deed (preferred); Special Warranty Deed	Mortgage	Attorney; title company	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	Coml: Negotiable; Res: Seller except Broward, Collier, Miami-Dade, Monroe, Sarasota	Negotiable	Negotiable	Negotiable		Negotiable	Unless contracted otherwise	Buyer: Mortgage; Seller: Deed
GEORGIA	Filed	Warranty Deed; Ltd. Wty. Deed; Quitclaim Deed	Security Deed (aka Deed to Secure Debt)	Commercial: Attorney, Title Agent/Company office under supervision of GA Atty. Residential: Attorney	Y 6 months	With commitment	Y Real Estate Transfer Tax	Y Intangible Recording tax	N	Negotiable				Commercial: negotiable; Residential: Buyer		Negotiable	
HAWAII	Customarily filed, not legal requirement	Deeds: Warranty; Ltd Wty; Quitclaim; Apartment (condos)	Mortgage	Title or escrow company; others (must be licensed escrow depository)	Y preliminary report; 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, but additional search fees may be charged	Negotiable		N/A	Divided equally	Buyer: Mortgage; Seller: Deed
IDAHO	Filed	Warranty Deed, Corporate Deed, Special Warranty 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	Negotiable, but typically divided equally	Negotiable
ILLINOIS	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; Residential sale with loan: Buyer pays	
INDIANA	Filed	Warranty Deed, Personal Representative's Deed, Trustee's Deed	Mortgage	Title company; others	Y 180 days	With commitment	N	N	N			Varies by county		N/A	N/A	Negotiable (usually split 50/50)	
IOWA	N/A; policies written outside state	Warranty Deed; Quitclaim Deed; Trustees Deed	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	
KANSAS	Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Mortgage	Title or escrow company; others	Y 180 days	With commitment or at closing	N	N	N	Can vary by location; contract, if any, controls	Can vary by location; contract, if any, controls	Varies by location; contract, if any, controls	Sometimes Buyer obtains survey or cost divided equally	N/A	N/A	Varies by location; contract, if any, controls	
KENTUCKY	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	Commercial Negotiable	Commercial Negotiable	Commercial negotiable	Commercial negotiable		N/A	Commercial negotiable	Buyer: recording fees; Seller: doc prep fees Commercial negotiable
LOUISIANA	Filed	Act of Cash Sale	Act of Mortgage; Multiple indebtedness Mtg; Pledge of Leases and Rents	Notaries public who generally are attorneys	Y 6 months	With commitment	N Except New Orleans Documentary Transaction Tax	N Except New Orleans Documentary Transaction 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	
MAINE	Filed	Commercial: Quitclaim Deed; Quitclaim with covenant; Residential: Warranty Deed	Mortgage	Title company; attorney; notary	Y 180 days	At closing	Y Real Estate Transfer Tax	N	N (If terminable at end of period and rights not conveyed back to landlord)					Divided equally	N/A		
MARYLAND	Filed	Special Warranty Deed	Deed of Trust; Mortgage (rare)	Title company; sole practitioner; law firm; underwriter direct office (commercial)	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	Divided equally	Negotiable	
MASSACHUSETTS	Not Filed	Quitclaim Deed	Mortgage	Attorney	Upon request; 180 days	At closing or upon cancellation of the transaction/order	Y Deed Excise Tax. Local fees/rates may apply	N	Y For long term leases (see MA DOR Letter Ruling 79-52)			Except parts of Worcester County			N/A	Negotiable	
MICHIGAN	Filed	Deeds: Warranty; Quitclaim; Covenant; Trustee's; Personal Representative's; Sheriff'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)	Buyer: deed & mortgage; Seller: POA, LOA, etc.
MINNESOTA	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
MISSISSIPPI	Not Filed	Warranty Deed; Quitclaim Deed (with underwriter approval)	Deed of Trust	Attorney	Y 180 days	With commitment	N	N	N	Either party can pay; also negotiable		Negotiable	Negotiable	N/A	N/A	Divided equally	
MISSOURI	Risk Rates are Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Deed of Trust	Title or escrow company; others	Y 180 days	With commitment or at closing	N	N	N	Can vary by location, contract	Can vary by location, contract	Varies by location, contract	Sometimes divided equally or Buyer obtains survey	N/A	N/A	Divided equally; can vary by location, contract	

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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.

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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

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	Policy Premium Loan	Title Search & Exam	Survey Charges	Taxes Transfer	Taxes Mortgage	Closing Fees	Recording Fees
MONTANA	Filed	Warranty Deed; Special Warranty Deed; Quitclaim Deed	Trust Indenture Mortgage (over 40 acres)	Title or escrow company; attorney	Y 180 days	At closing	N	N	N			Included in premium. Complex files may incur work fee.	Buyer: loan only transactions; Negotiable: sales transactions	N/A	N/A	Divided equally	
NEBRASKA	Filed	Warranty Deed; Special Wty Deed; Trustee's Deed	Deed of Trust; Mortgage	Title or escrow company; others	Y 180 days	With commitment or at closing	Y Documentary Stamp Tax	N	N	Generally divided equally, but varies by location, and contract, if any, controls	Coml: Buyer; Res: divided equally can vary by location, contract	Included in Premium	Sometimes divided equally or Buyer obtains survey		N/A	Divided equally, can vary by location, contract	
NEVADA	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 vincinity; Negotiable: Northern Reno vicinity	Negotiable	N/A	Divided equally; negotiable	
NEW HAMPSHIRE	Filed	Warranty Deed; Quitclaim Deed	Mortgage	Attorney; title company	Upon request; 6 months	At closing	Y Deed Transfer Tax	N	N If less than 99 years, including all renewal terms					Divided equally unless contracted otherwise	N/A	Negotiable	
NEW JERSEY	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 If less than 99 years					Unless agreed upon otherwise	N/A	Sometimes split	
NEW MEXICO	Promulgated	Warranty Deed; New Mexico Real Estate Contract	Mortgage; Deed of Trust (usually commercial)	Licensed Title Insurance Agent	Y 6 months (may be extended)	At closing (for Commitment when issued)	N	N	N	Negotiable		Included in Premium	Negotiable. Coml: Buyer usually pays; Res: Seller usually pays	N/A	N/A	Usually Seller if Residential; Buyer if Commercial	Buyer: Mortgage; Seller: Deed & docs to remove encumbrances
NEW YORK	Filed	Warranty Deed (upstate); Bargain and Sale Deed (downstate)	Mortgage	Attorney	Y Commitment (6 months) or Title Certificate (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.						
NORTH CAROLINA	Filed	Com: Special Warranty Deed Res: General Warranty Title Cure Only: Non-Warranty Deed	Deed of Trust; Mortgage (rare)	Attorney	Y 6 months	With commitment	Y Excise Tax (additional tax in some counties)	N	N Except Currituck and Dare counties			Negotiable	Negotiable		N/A	Negotiable	
NORTH DAKOTA	Filed	Warranty Deed	Mortgage; Deed of Trust (rare)	Title or escrow company; lender; attorney	Y 6 months	With commitment	N	N	N				Negotiable	N/A	N/A		Buyer: new mortgage; Seller documents to transfer ownership and remove encumbrances.
OHIO	Filed	Warranty Deed, Limited Warranty Deed, Fiduciary Deed, Quitclaim Deed with approval of Underwriting Counsel	Mortgage	Title or escrow company; title agent; others	Y 180 days	With commitment	Y Real Property Conveyance Fee	N	N	Negotiable; usually divided equally			Negotiable		N/A	Negotiable; usually divided equally	
OKLAHOMA	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: exam; Seller: abstracting.	Negotiable			Negotiable; usually divided equally	
OREGON	Filed	Statutory Deeds: Warranty; Special Wty; Bargain and Sale; Quitclaim Deed with underwriter approval	Deed of Trust; Mortgage (rare); Contract of Sale	Licensed escrow agent; title company with escrow license	Y Upon request; Preliminary Title Report customary 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	Usually divided equally	
PENNSYLVANIA	Filed	Special Warranty Deed; General Warranty Deed	Mortgage	Title company; others	Y 6 months	At closing	Y Realty Transfer Tax (state, local municipalities)	N	Y If 30 years or longer (including options to renew)			Included in Premium	Negotiable	Divided equally	N/A	Generally included in premium. Pennsylvania has an all-inclusive premium rate.	
RHODE ISLAND	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		
SOUTH CAROLINA	Filed	General Warranty Deed	Mortgage	Attorney	Y 6 months	With commitment	Y Deed Recording Fee	N	N				Negotiable		N/A		
SOUTH DAKOTA	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
TENNESSEE	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		Negotiable; some counties include in premium	Negotiable			Divided equally	
TEXAS	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
UTAH	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
VERMONT	Filed up to $2 Million	Warranty Deed; Quitclaim Deed; Fiduciary's Deed with a license to sell; Trustee's Deed w/a Certificate of Trust	Mortgage Deed	Attorney; paralegal (under direct supervision of attorney in ministerial manner)	Almost always; 6 months	With commitment	Y Property Transfer Tax	N	N If less than 50 years					Negotiable	N/A	Filed up to $2 Million	Also Negotiable (rare)
VIRGINIA	Published, not filed	General Warranty Deed; Special Warranty Deed	Deed of Trust	Attorney; title company, title insurance agent; or bank	Y 6 months	With commitment	Y State/local Grantee Tax; Grantor Tax	Y State/Local Grantor Tax	Y State, city, county taxes may apply	Negotiable	Negotiable	Negotiable	Negotiable	Buyer: State/local Grantee; Seller: Grantor		Negotiable, ususally split: Seller: deed prep, title clearance, grantor tax; Buyer: everything else	Buyer: clerk's fees; Seller: fees to release prior liens of record
WASHINGTON	Filed	Statutory Warranty Deed; Bargain and Sale Deed; Special Warranty Deed; Quitclaim Deed	Deed of Trust; Mortgage; Long Term Real Estate Contract	Lisenced Limited Practice Officer (LPO)	Y 6 months	At closing	Y Real Estate Excise Tax	N	N Potentially. See WAC 458-61A-106	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)	
WEST VIRGINIA	Filed	General Warranty Deed; Special Warranty Deed	Deed of Trust; Mortgage (rare)	West Virginia licensed attorney	Y 6 months	With commitment	Y State/County Excise Tax	N	N				Negotiable	Seller's obligation but Buyer can pay	N/A	Negotiable	
WISCONSIN	Filed	Warranty Deed; Special Warranty Deed; Condominium Deed; Land Contract	Mortgage	Title or escrow company; others	Y 180 days	With commitment	Y Real Estate Transfer Fee	N	N If less than 99 years				Negotiable		N/A	Buyer: loan closing fees; Seller: deed closing fees	
WYOMING	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)	Varies by office	N	N	N			Included in Premium	Negotiable. Buyer pays if extended coverage requested	N/A	N/A	Negotiable. Usually divided equally	

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Real Estate Laws & Customs By State



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