

## 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 and Exam	Survey Charges	Deed Transfer Tax	Closing Fees	Recording Fees		
<b>Nevada</b>	Filed	Deed of Trust	Title or escrow company; Others	Upon request	6 months	When policy issues	Y, Real Property Transfer Tax	N	N	Negotiable	+	Usually included, additional charges for additional work, multiple parcels, etc.	Negotiable	Negotiable	Divided equally, can be negotiated	Negotiable; Seller usually pays in the North	NV	
<b>New Hampshire</b>	Filed	Mortgage	Title or escrow company; Attorney	Upon request	6 months	At closing	Y, Deed Transfer Tax	N	N	+	+	+	+	Divided equally	+	☆	NH	
<b>New Jersey</b>	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	
<b>New Mexico</b>	Promulgated rates set biennially by superintendent of insurance	Mortgage; Deed of Trust (rare)	Title company	Y	6 months (renewable for 3 successive 6-mo. periods)	At closing	N	N	N	+ Negotiable	+ Negotiable	Included in premium; Separate title commitment fee usually paid by Seller	+ Negotiable	N/A	Residential: Seller usually pays. Commercial: usually divided equally	☆	NM	
<b>New York</b>	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	
<b>North Carolina</b>	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	
<b>North Dakota</b>	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	
<b>Ohio</b>	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	
<b>Oklahoma</b>	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	
<b>Oregon</b>	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	
<b>Pennsylvania</b>	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	
<b>Rhode Island</b>	Filed	Mortgage	Title company; Attorney	Y	6 months	When policy issued	Y, State Transfer Tax	N	N	+	+	+	+	◆	+	Except Seller settlement fees	+	RI
<b>South Carolina</b>	Filed	Mortgage	Attorney	Y	6 months	At closing	Y, Transfer Fee	N	N	+	+	+	+	◆	+	+	+	SC
<b>South Dakota</b>	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	
<b>Tennessee</b>	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	
<b>Texas</b>	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	
<b>Utah</b>	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	
<b>Vermont</b>	Filed	Mortgage	Attorney	Y	6 months	At closing	Y	N	N	+	+	+	+	+	Except Seller's attorney's fees, wire fee, Zoning Compliance letter and real estate professional commissions	Buyer, \$10 per page, \$10 flat fee to record Property Transfer Tax Returns	VT	
<b>Virginia</b>	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	
<b>Washington</b>	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	+	◆	Split evenly between the parties	☆	WA	
<b>West Virginia</b>	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	
<b>Wisconsin</b>	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	
<b>Wyoming</b>	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	

For more information, please contact your local Stewart Title office or visit us online at [stewart.com](http://stewart.com).

**Stewart Title Guaranty Company**  
1980 Post Oak Blvd.  
Houston, Texas 77056  
(800) STEWART  
[stewart.com](http://stewart.com)

**stewart title**

Real partners. Real possibilities.™

NYSE: STC  
© 2015 Stewart. All rights reserved.  
(800) STEWART | [stewart.com](http://stewart.com) | SISCO-1534-133-8 | 12/15 | 2K

Information for the State Laws and Customs Toolkit has been obtained by Stewart Title from sources believed to be reliable. However, because of the possibility of human or mechanical error, whether by our sources or by others, Stewart Title does not guarantee the accuracy, adequacy or completeness of any information contained herein. Stewart Title does not make any express or implied warranties with regard to the use or freedom from error of any of the information and shall not be responsible for any errors or omissions or for the results obtained from the use of such information. Additionally this information is provided with the understanding that Stewart Title is not engaged in rendering legal, accounting, or other professional advice or services. If legal advice or services or other expert assistance is required, the services of a competent professional person should be sought. Issued: 05/15/14. This does not cover additional state requirements as it relates to TILA-RESPA Integrated Disclosure Rule.

State Laws and  
Customs Toolkit



**stewart title**

Real partners. Real possibilities.™

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 and 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; Usually paid by purchaser	Negotiable	Negotiable; Usually paid by purchaser	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	Varies by county	Included in premium	✘ Sometimes negotiable	◆ Seller pays county tax; City tax varies	Varies by county	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	✘ 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	✘	Customarily Borrower	✘	✘	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; Customarily buyer pays	✘	Negotiable	Negotiable	Y, Seller often pays tax due at time of recording of deed	Negotiable	Negotiable; Statewide recording fees	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	No	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	Escrow fees may be divided equally between the parties if the transaction is a cash deal; If the buyer has a lender, the fee is paid by the buyer in full	☆	IL	
Indiana	Filed	Mortgage	Title or escrow company; Others	Y	6 months	Invoice with commitment	N	N	N	Customarily Seller; Sometimes negotiable in certain areas	✘	Not included in premium	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	✘	✘	✘	✘ Negotiable	◆	✘ Pays most with small portion to seller	✘	KY	
Louisiana	Filed	Mortgage	Title company; Attorney	Y	6 months	Invoice customarily at closing	Y, Documentary Tax, Orleans Parish only	N, Documentary Tax, Orleans Parish only	N, Documentary Tax, Orleans Parish only	✘	✘	Negotiable	Negotiable	N/A	✘ Can be negotiated	✘	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	◆	Negotiable	☆	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	Typically Buyer unless otherwise 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	



**Legend**  
 Customary Fee Splits:  
 ✘ Buyer/Borrower  
 ◆ Seller  
 ☆ Buyer/Borrower pays to record deed and mortgage; Seller pays to record documents to remove encumbrances