

DOCUMENT RECORDING CHECKLIST

Legible – Documents must not have recording requirements information that is unreadable. Documents should be in good quality so they can be read after being filmed.

Original Signatures of Executing Party or Parties and Date of Execution – All required signatures must be originals. We encourage you to use blue ink for the signatures. Indexing of Executing Parties is taken from the signature, not from the typed name on the face of the document. If the signature and the typed name are totally different the document will be returned unrecorded.

Subscribing Witnesses – Most documents require 2 witnesses' original signatures. One of these witnesses may sign the "Affidavit of Probate" and the other may be the Notary Public. The individuals who execute the document may not be any of these.

Affidavit of Probate and Acknowledgements – Documents must have either this "Affidavit" or an Acknowledgement following the Execution and Witness Signatures. The Probate provides for one of the two Witnesses to confirm to either the other witness or Notary, that he/she saw the Grantor(s) execute the document. The Acknowledgement provides for the Executing party to make oath to the Notary that he/she executed the document.

Notary Public – Documents presented for filing, except as otherwise provided by law, must be "Notarized", by a licensed Notary Public, with the appropriate "Notary" statement, signature, expiration date and Seal.

Description and Derivation Clause – Most documents must contain some legal description of the property involved and/or reference to an attached Plat, which provides such description (see Plat Recording Guidelines). Deeds, except Quit Claim Deeds, must include a derivation clause, preferably at the end of the legal description, that tells where the document which establishes the Grantor's (seller's) ownership is recorded. It should include the Name of the original Grantor, and the Recording Date, Book and Page number of the Deed, which conveyed the property to the Grantor.

Grantee's/Mortgagee's Address – The address of the Buyer (Grantee) on Deeds, and the Secured Party (Mortgagee) on Mortgages, must be clearly noted on the face of those documents.

Tax Map Reference Numbers – This information must be clearly noted somewhere on all Deeds (preferably on the first page). Tax map reference numbers must be on all recorded contracts of sale and leases when the contract requires the contractee to pay the required taxes.

Affidavit of True Consideration – Any conveyance of property that meets State and Local laws requiring payment of Recording Fees, Transfer Fees, etc. must indicate the “True Consideration” or value in money’s worth for that conveyance. All Deeds recorded in the Anderson County Register of Deeds Office must be accompanied by an affidavit in compliance with the provisions of §12-24-70, Code of Laws of South Carolina, as amended. The affidavit must show the value of the realty described in the deed unless the deed is exempt from the deed recording fee pursuant to provisions of Title 12, Chapter 24. If the deed is exempt, the value is not required to be stated in the affidavit, but the affidavit must state the reason the deed is exempt from the fee. An affidavit is not required for the instrument of deed of distribution that assigns, transfers, or releases real or personal property to the distributee of an estate pursuant to §62-3-907 as evidence of the distributee’s title.

Fees Paid – All required Fees must be paid in full. We may accept over-payments as a courtesy, but will not accept nor “clock in” a document over the counter for which all Fees have not been fully paid. We accept Checks and/or Cash. Checks must be reviewed to ensure that they are properly filled out and executed.

Satisfaction of Original Mortgage – Mortgages may be satisfied by a statement on, or attached to, the original document which states that the debt has been “paid in full” or some other similar wording. This statement must be signed by an officer of the Mortgagee or secured party, signature of one or more witnesses, and the Date of the Satisfaction. Since Mortgages are frequently “Assigned” to other Banks or Mortgage Companies, the satisfying party may be other than that of the original Mortgagee on the face of the document. The Original Filing Page indicating the original filing, Date, Book and Page Number, must be part of this “Original Mortgage”.

Satisfaction by Lost Form Affidavit – If the secured party (Mortgagee) cannot obtain the original Mortgage, he may submit this Affidavit for the purpose for satisfying a Mortgage. This document includes two sections. The “Affidavit of Lost Mortgage”, wherein the Filer avows that he or the person he represents is at the time of the satisfaction a bona fide owner and holder of the mortgage, deed of trust, or other instrument securing the payment of money and that the same has not been assigned, hypothecated, or otherwise disposed of, and that the original document cannot be found, and the “Lost Mortgage Satisfaction” that provides the information and original signatures and Acknowledgement which allows for the Satisfaction transaction.

Attorney Affidavit of Satisfaction – An Attorney licensed to practice in the State of S.C., who can provide proof of payment, may record an Affidavit, duly executed in the presence of two witnesses and probated or acknowledged, which states that full payment has been made, and that evidence of such payment exists. (See S.C. Code 29-3-330 as amended 6/11/99).

Mortgage Assignments, Transfers, Partial Releases and Subordinations – These documents must meet the same recording requirements as the original Mortgage they affect, and must also indicate Date, Book and Page Number of the affected Mortgage.

Tax Liens – Typically filed by either U.S. Internal Revenue Service or S.C. Department of Revenue against a delinquent Taxpayer's real property of whatever nature. Tax Liens can only be withdrawn, expunged, partially released, or fully satisfied by the filing agency. Questions about such Liens and related reports in Credit Bureau files must be directed to the filing agency.

Mechanics Liens – Mechanics Liens submitted for recording must conform to S.C. Code of Laws, Title 29 as amended, et seq. Minimum requirements include: Plaintiff and Defendant Name, Amount of Debt/Lien, Date of last work performed or materials furnished, Statement of Account sworn before Notary Public, and Legal Description of property against which Lien is to (e.g. as described on current Deed).

Uniform Commercial Code (UCC) – Financing Statement: (See Sect. 36-9, S.C. Code of Laws) Effective 7/1/2001 there have been extensive changes in the UCC Code. Filers are urged to review these somewhat extensive changes very carefully to avoid rejections. For example, only UCCs secured by Real Estate may be filed with County ROD. UCCs secured by Personal Property are to be filed with the Secretary of State's Office, ATTN: UCCs, at 1205 Pendleton Street, Columbia, S.C., 29211 or (803) 734-2175. Standard Forms for submission of UCCs have changed. Forms and answers to questions about somewhat extensive new filing regulations, may be obtained from the Secretary of State's Office at the above address.