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NJ - WY	NEW JERSEY	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING	NJ - WY	
Title Insurance Rates	Filed	Promulgated Rate by Insurance Department	Promulgated Rate by NY State Department of Financial Services	Filed	Filed	Filed	Unregulated	Filed	Filed	Filed	Filed	Filed	Filed	Promulgated Rate by State Insurance Department	Filed	Filed	Not Filed; Required to be Published	Filed	Filed	Filed	Filed	Title Insurance Rates	
Form of Conveyance	Bargain and Sale Deed w/ Covenants Against Grantor's Acts	Warranty Deed; Special Warranty Deed; Real Estate Contract	Deed	General Warranty Deed and Special Warranty Deed	Warranty Deed; Quitclaim Deed	Warranty Deed; Limited Warranty Deed; Quitclaim Deed; Fiduciary Deed; Survivorship Deed	Warranty Deed	Warranty Deed; Special Warranty Deed; Bargain and Sale Deed; Quitclaim Deed	Special Warranty Deed; General Warranty Deed	Warranty Deed; Bargain and Sale Deed	General Warranty Deed	Warranty Deed; Quitclaim Deed	Warranty Deed; Quitclaim Deed	Warranty Deed; Special Warranty Deed; Quitclaim Deed	Warranty Deed	Warranty Deed	Warranty Deed (General or Special)	Warranty Deed; Quitclaim Deed; Personal Rep Deed	Warranty Deed; Quitclaim Deed	Warranty Deed; Quitclaim Deed; Other Special Deeds	Warranty Deed; Quitclaim Deed; Special Warranty Deed	Form of Conveyance	
State Encumbrance Forms	Mortgage	Deed of Trust; Mortgage	Mortgage	Deed of Trust; Mortgage (rare)	Deed of Trust; Mortgage (rare)	Mortgage; Deed	Mortgage	Deed of Trust; Mortgage	Deed of Trust; Mortgage (rare)	Mortgage	Mortgage	Mortgage	Deed of Trust; Mortgage (rare)	Vendor's Lien Retained in Deed; Deed of Trust	Deed of Trust (preferred); Mortgage	Mortgage	Deed of Trust; Mortgage (rare)	Deed of Trust; Mortgage	Deed of Trust	Mortgage	Mortgage	Deed of Trust (preferred); Mortgage	State Encumbrance Forms
Customary Closing Entity	Title Company; Attorney	Title or Escrow Company	Title Company	Attorney	Attorney; Title Company	Title Agency or Company	Title Company	Title or Escrow Company; Others	Title or Escrow Company; Others	Attorney; Title Company	Attorney	Attorney; Title Company	Title or Escrow Company; Attorney	Attorney; Lender; Title Company	Title Company	Attorney	Registered Attorney and Non-Attorney Settlement Agent	Attorney; Licensed Limited Practice Officer (LPO)	Attorney	Title or Escrow Company; Others	Title Company	Customary Closing Entity	
Commitment Issued? Duration?	Y 180 Days	Y 6 Months	Y Duration not Limited	Y 6 Months	Y 6 Months	Y 6 Months	Y 180 Days	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 90 Days	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Commitment Issued? Duration?
When Is Invoice Issued?	With Commitment	With Commitment; at Closing	At Closing	With Commitment	With Commitment	Included in Settlement Statement	With Commitment	At Closing	With Commitment	With Commitment	With Commitment	With Commitment	With Commitment or at Closing	At Closing; Sometimes when Policy Issued	At Closing; Sometimes when Policy Issued	With Commitment or at Closing	With Commitment	At Closing	With Commitment	With Commitment	At Closing; Sometimes with Policy Issuance	When Is Invoice Issued?	
Deed Transfer Tax?	Y Call Underwriter	N	Y State; NYC; Several Local Municipalities	Y Excise Tax	N	Y Real Property Conveyance Fee	Y	N Except Washington County	Y Realty Transfer Tax (state, local municipalities and school districts)	Y Real Estate Conveyance Tax	Y Deed Recording Fee	Y Real Estate Transfer Tax	Y	N	N	Y Property Transfer Tax	Y State/Local Grantee Tax; Grantor Tax	Y Real Estate Excise Tax	Y	Y Real Estate Transfer Fee	N	Deed Transfer Tax?	
Mortgage Tax?	N	N/A	Y Varies by City and County	N	N	N	Y	N	N	N	N	N	Y	N	N	Y Land Gains and Non-Resident Withholding Tax may apply	Y	N	N	N	N	Mortgage Tax?	
Leasehold Tax?	N Unless Lease is for ≥ 99 Years	N	Y Outside of NYC	N Some Counties if Lease ≥ 10 years	N	N	N	N	Y If ≤ 30 Years (including options to renew)	N	N	N	N	N	N	N	Y	N Improvements May be Taxed	N	N	N	N	Leasehold Tax?
Owner's Policy Premium	■	●		■	■	■ ● N OH: Split S OH: Buyer Pays	■	● Sometimes Negotiated	■	■	■	■	■	■	● Typically Seller Pays, but Negotiable	■	■	●	■	●	●	●	Owner's Policy Premium
Loan Policy Premium	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■ ● B: Add'l Coverage; S: Basic Coverage	■	■	■	■	Loan Policy Premium
Title Search & Exam	■	Included in Premium		■	●	● S OH: Buyer Pays	■ ● S: Abstracting; B: everything else	Included in Premium	■	■	■	■	■	■	■	■	■	■	■	■	■	■	Title Search & Exam
Survey Charges	■	Negotiable		■ ● B: Survey; S: Inspection	■ Sometimes Negotiated	■ Sometimes Negotiated	■ ● B: Survey; S: Inspection	Negotiable	■	■	■	■	■	■	■	■	■	■	■	■	■	■	Survey Charges
Deed Transfer Tax	Call Underwriter	Not Applicable		●	Not Applicable	●	●	Usually Divided Equally; Neotiable	Divided Equally	● Unless Otherwise Agreed Upon Between Parties	●	●	■	Not Applicable	Not Applicable	■	■ ● B: Grantee Tax; S: Grantor Tax	● Seller's Obligation, but may be Paid by Buyer	●	●	Not Applicable	Not Applicable	Deed Transfer Tax
Mortgage Tax	Not Applicable	Not Applicable		Not Applicable	Not Applicable	Not Applicable	■	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Call Underwriter	■	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Mortgage Tax
Closing Fees	South Jersey it is split; North Jersey the buyer pays	Divided Equally or Negotiable		■ Negotiable	■	Negotiable; Usually Divided Equally; S OH: Buyer pays	Divided Equally	Negotiable; Usually Divided Equally	Included in Premium	■	■	●	Varies by City Location Contact local Underwriter for more info	Divided Equally	Divided Equally	Negotiable	Negotiable	Divided Equally; can be varied by Agreement	■ Residential: Buyer; Commercial: Divided Equally	■ ● B: Loan Closing Fees; S: Deed Closing Fees	Divided Equally	Divided Equally	Closing Fees
Recording Fees	▲	▲		■ ● B: Deed of Trust; S: Deed	■ ● B: pays to rec new Mtg; S: pays to rec docs to xfer ownership & m Encumbrances	▲	■ ● B: Mortgage; S: Deed	▲	▲	▲	■	■ ● B: rec of new Mortgage; S: rec of Deed; release of Encumbrances	■	▲	▲	▲	■	■	▲	▲	▲	▲	Recording Fees

■ Buyer Pays ● Seller Pays ▲ Buyer Pays to record Deed & Mortgage; Seller Pays to Record Documents to Remove Encumbrances

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Real Estate Laws and Customs By State

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REAL ESTATE LAWS & CUSTOMS

A State-by-State Guide



AL - NH	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	DC	FLORIDA	GEORGIA	HAWAII	IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	AL - NH	
Title Insurance Rates	Filed	Filed	Filed	Filed	Filed	Filed	Filed	Filed	Filed	Promulgated Rate by FL Dept of Financial Services	Published Rates	Filed	Filed	Unregulated	Filed	No Title Insurance Companies are licensed with the State; Title Policies are written outside State	Filed	Filed	Filed	Filed	Filed	Published Rates	Filed	Filed	Not Filed	Risk Rates are Filed	Risk Rates are Filed	Filed	Filed	Risk Rates are Filed	Title Insurance Rates	
Form of Conveyance	Warranty Deed	Warranty Deed; Quitclaim Deed	Warranty Deed; Special Warranty Deed; Quitclaim Deed	Warranty Deed	Grant Deed; Quitclaim Deed	Warranty Deed	Warranty Deed; Quitclaim Deed	Special Warranty Deed; Quitclaim Deed; General Warranty Deed	Warranty Deed	Warranty Deed; Special Warranty Deed; Quitclaim Deed; Trustee Deed; Personal Rep's Deed; Leasehold	Warranty Deed; Limited Warranty Deed; Quitclaim Deed; Fiduciary Deed	Warranty Deed (Fee Simple); Assignment of Lease (Lease); Warranty Deed or Assignment of Lease (Condo)	Warranty Deed; Quitclaim Deed; Special Warranty Deed	Deed (various forms)	Warranty Deed	Warranty Deed; Quitclaim Deed; Trustees Deed; etc	Warranty Deed	Warranty Deed; Limited or Special Warranty Deed; Quitclaim Deed	Warranty Deed; Act of Sale	Quitclaim Deed; Quitclaim Deed with Covenant	Warranty Deed	Warranty Deed or Quitclaim Deed (depends on location of property)	Warranty Deed; Quitclaim Deed; Covenant Deed	Warranty Deed; Limited Warranty Deed; Quitclaim Deed; Trustee's Deed; Personal Representative's Deed; etc	Warranty Deed	Warranty Deed	Warranty Deed; Quitclaim Deed; Special Warranty	Warranty Deed	Grant, Bargain and Sale Deed	Warranty Deed	Form of Conveyance	
State Encumbrance Forms	Mortgage	Deed of Trust; Mortgage	Deed of Trust; Mortgage	Deed of Trust (preferred); Mortgage	Deed of Trust; Mortgage	Deed of Trust; Mortgage	Mortgage; Deed	Mortgage	Deed of Trust; Mortgage	Mortgage	Security Deed (aka, Deed to Secure Debt)	Mortgage	Deed of Trust (preferred); Mortgage	Mortgage	Mortgage	Mortgage	Mortgage	Mortgage	Act of Mortgage	Mortgage	Deed of Trust; Mortgage	Mortgage	Mortgage	Mortgage	Deed of Trust	Deed of Trust	Deed of Trust (preferred; ≤ 40 acres)	Deed of Trust	Deed of Trust	Mortgage	State Encumbrance Forms	
Customary Closing Entity	Attorney (except Mobile & Baldwin counties)	Title or Escrow Company; Others	Title or Escrow Company; Others	Title or Abstract Company; Others	Title or Escrow Company; Others	Title or Escrow Company; Others	Attorney	Attorney	Title Company; Attorney	Attorney; Title Company; Lender	Attorney	Title or Escrow Company; Others (must be licensed Escrow Depository)	Title Company	Title Company	Title Company; Others	Attorney or Iowa-Based Escrow Company	Title or Escrow Company; Others	Attorneys and Title Companies	Notaries Public who generally are Attorneys	Title Company; Attorney	Title Company; Attorney	Attorney	Title Company	Attorney; Title Company	Attorney; Title Company	Title Company	Title Company	Title or Escrow Company; Others	Title or Escrow Company	Title Company; Attorney	Customary Closing Entity	
Commitment Issued? Duration?	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Upon Request; 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y Upon Request; 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y 6 Months	Y Upon Request; 6 Months	Y 6 Months	Commitment Issued? Duration?	
When Is Invoice Issued?	With Commitment	At Closing - Mandatory Cancellation Charge	At Closing	With Commitment	At Closing	With Commitment	With Commitment	At Closing	At Closing Unless Requested Earlier	With Commitment	At Closing	At Closing	At Closing or When Policy is Issued	With Commitment	With Commitment	With Commitment	Varies; With Commitment or at Closing	With Settlement Statement	With Commitment	With Commitment	At Closing Unless Requested Earlier	With Commitment	With Commitment	When Commitment is Sent Out	With Commitment	With Commitment	Varies; With Commitment or at Closing	Varies; With Commitment or at Closing	With Commitment	At Closing	Varies; With Commitment or at Closing	When Is Invoice Issued?
Deed Transfer Tax?	Y Deed Tax	N	N	Y Deed Transfer Tax	Y Documentary & City Transfer Tax, where applicable	Y Documentary Transfer Tax	Y State/Municipal Real Estate Conveyance Tax	Y Realty Transfer Tax	Y	Y Documentary Tax (Dade County has surtax)	Y	Y State Conveyance Tax	N	Y	N	Y Real Estate Revenue Stamp Tax	N	Y Deed Transfer Tax	N Except New Orleans	Y Real Estate Transfer Tax	Y State and Some Counties	Y Deed Excise Tax (Martha's Vineyard & Nantucket impose add'l transfer fee)	Y 0.086% (State \$375 per \$500 - County \$055 per \$500)	Y State Deed Tax	N	N	N	N	Y Real Property Transfer Tax	Y Real Estate Transfer Tax (RETT)	Deed Transfer Tax?	
Mortgage Tax?	Y	N	N	N	N	N	N	N	Y Recordation Tax	Y Documentary Tax; Intangible Tax	Y	N	N	N	N	Y Mortgage Registration Tax	N	N Except New Orleans	N	Y Recordation Tax	N	N	Y Mortgage Registration Tax	N	N	N	N	N	N	N	Mortgage Tax?	
Leasehold Tax?	Y	N	N	N	Y If ≤ 35 Years (less optional Documentary & City Transfer Tax, where applicable)	N	N Yes, if ≥ 99 Years (including renewals)	N	Y If ≤ 30 Years	Y Yes, if 99 Years or longer (including renewals)	N	Y Leasehold Transfer Tax	N	Y	N	N	N	N Except New Orleans	N	Y Ground & Commercial ≥ 7 Years	N Unless Assignment of Lease for Consideration	N	N	N	N	N	N	N	Y RETT; ≥99 Years	Leasehold Tax?		
Owner's Policy Premium	Negotiable (Seller customarily pays in Jefferson/Shelby counties)	Sometimes Negotiated	Buyer pays difference if Extended Coverage Policy Required	Sometimes Negotiated	Varies by County	Sometimes Negotiated	Buyer	Buyer	Buyer	Varies by County	Negotiable	B: 40%; S: 60%; Buyer pays Extended Coverage Policy	Sometimes Negotiated	Commercial Only, but varies (usually 30%)	Sometimes Negotiated	Negotiable	Varies by County	Negotiable; usually paid by Buyer	Buyer	Buyer	Buyer	Buyer	60/40 Between Agents	Negotiable	Buyer	Paid by Buyer in St. Louis Metro Area	Sometimes Negotiated	Buyer	Owner's Policy Premium			
Loan Policy Premium	Buyer	Buyer	Buyer	Buyer	Buyer	Buyer	Borrower	Buyer	Buyer	Buyer	Negotiable	Buyer	Not Applicable	Buyer	Buyer	Buyer	Buyer	Negotiable; usually paid by Buyer	Buyer	Buyer	Buyer or Borrower	Buyer	60/40 Between Agents	Sometimes Negotiated	Buyer	Paid by Buyer in St. Louis Metro Area	Buyer	Buyer	Loan Policy Premium			
Title Search & Exam	Negotiable	Included in Premium	Included in Premium	Negotiable	Included in Premium	Included in Premium	Borrower	Buyer	Buyer	Sometimes Negotiated	Negotiable	Included in Premium	Included in Premium	Negotiable; Buyer pays Loan Policy	Varies by County	B: post-closing charges; S: pre-closing abstract charges	Varies by County	Negotiable; usually paid by Buyer	Buyer	Buyer or Borrower	Buyer or Borrower	Except for parts of Worcester County	All Inclusive Rate	Seller provides evidence of ownership; Buyer pays to examine evidence	Sometimes Negotiated	Varies by County	Included in Premium	Included in Premium	Included in Premium	Buyer	Title Search & Exam	
Survey Charges	Negotiable	Sometimes Negotiated	Unless Contract Specifies Otherwise	Negotiable	Sometimes Negotiated	Contract Dictates Charges	Party Requesting Survey	Sometimes Negotiated	Buyer	Can Be Negotiated	Negotiable	Sometimes Negotiated	Negotiable	Sometimes Negotiated	Buyer	Sometimes Buyer Obtains Survey or Cost Divided Equally	Negotiable; usually paid by Buyer	Sometimes Negotiated	Buyer	Buyer or Borrower	Buyer or Borrower	Sometimes Negotiated	Negotiable	Negotiable	Sometimes Negotiated	Buyer	Negotiable	Sometimes Buyer obtains Survey or Cost Divided Equally	Sometimes Buyer obtains Survey or Cost Divided Equally	Sometimes Negotiated	Survey Charges	
Deed Transfer Tax	Buyer	Not Applicable	Not Applicable	Divided Equally (unless agreed upon otherwise)	Varies for City Taxes	Buyer	Buyer	Divided Equally	Seller Customarily Pays/ Negotiable	Sometimes Negotiated	Negotiable	Sometimes Negotiated	Not Applicable	Varies for County/ Municipality taxes	Not Applicable	Sometimes Negotiated	Not Applicable	Negotiable; usually paid by Buyer	Not Applicable	50/50 or Negotiable	50/50 or Negotiable (Absent 1st time home buyer, same holds for recordation taxes on deed)	Buyer	Buyer	Buyer	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Divided Equally	Deed Transfer Tax	
Mortgage Tax	Buyer	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Buyer Customarily Pays/ Negotiable	Buyer	Negotiable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Buyer Pays Recordation Tax on Mortgage/DoI	Not Applicable	Not Applicable	Buyer	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Mortgage Tax	
Closing Fees	Negotiable	Negotiable; Usually Divided Equally	Divided Equally	Divided Equally	Varies by County	Divided Equally	Negotiable	Negotiable	Divided Equally or by Contract	Negotiable	Negotiable	Divided Equally	Divided Equally	Buyer	Commercial; Negotiable; Residential: Buyer	Negotiable; B: pays post-closing charges; S: pays pre-closing exam/abstracting	Divided Equally	Negotiable; usually paid by Buyer	Shared by Parties	Buyer	Buyer	Negotiable	Negotiable	Negotiable	Shared by Parties	Sometimes Negotiated	Divided Equally	Divided Equally	Divided Equally	Buyer customarily pays; negotiation allowed	Closing Fees	
Recording Fees	Buyer	Negotiable; Usually Divided Equally	Seller	Buyer	Seller	Buyer or Seller (based on doc)	Seller	Buyer	B: Pays to Record Deed and DoI; S: Pays to Record Release of Liens	Seller	Negotiable	B: Record Mortgage S: Record Deed	Seller	Buyer	Buyer	Seller	Seller	Negotiable	Buyer	Buyer	Buyer	Buyer	Buyer	Buyer	Buyer	Seller	Seller	Seller	Seller	Seller	Recording Fees	