



GREGORY J. WILKENS, P.E., P.S.
BUTLER COUNTY ENGINEER



Butler County Engineer's Office

STANDARDS FOR CONVEYANCE
OF
REAL PROPERTY

BUTLER COUNTY, OHIO

Effective August 29, 2024

**BUTLER COUNTY, OHIO
STANDARDS FOR CONVEYANCE OF REAL PROPERTY
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INTRODUCTION

Pursuant to Ohio Revised Code ORC 319.203, adopted August 29, 2024, the Butler County Auditor and the Butler County Engineer adopted written standards for the conveyance of real property.

The Standards for Conveyance can be found on the Butler County Auditor's Office website ([Butler County Auditor, OH \(bcoho.gov\)](https://www.bcoho.gov)) or the Butler County Engineer's Office, Tax Map Department website. Any questions, please call the Butler County Auditor's Office at 513-887-3154 or the Butler County Engineer's Tax Map Department at 513-867-5744.

The purpose of transferring deeds through the Butler County Auditor:

1. To maintain an accurate record of property ownership and parcel identity.
2. To collect an accurate conveyance fee required by Ohio Revised Code ORC 319.20 and 322.02.

Tax Maps are maintained by the Butler County Engineer's Tax Map Department on behalf of the Butler County Commissioners for the benefit of the Board of Revision and the Butler County Auditor. The Interactive Tax Map is accessed through the Butler County Engineer's Office Tax Map website.

The Butler County Recorder cannot record deeds unless they are first endorsed as transferred by the Butler County Auditor ORC 317.22.

DOCUMENTS REQUIRED

To transfer ownership of lands on the County's Tax List, the following documents or information is required.

- A. Conveyance Fee Statement (DTE for 100) ORC 319.202. [DTE 100 EX if exempt under ORC 319.54(G)(3)].
- B. Evidence of title (usually a deed or court order) bearing
 1. The last known address of the grantee and;
 2. Reference to the recorded instrument through which the grantor claims title ORC 319.20.

Based upon the content of the document listed above, the following documents or information may also be required:

- C. DTE form 101 is required if the property conveyed is entitled to receive the senior citizens homestead exemption.
- D. DTE form 102 is required if the property conveyed is qualified for current agricultural use valuation (CAUV).

- E. A boundary survey will be required under the following circumstances ORC 315.251.
1. When only part of a parcel is conveyed.
 2. When the legal description of the property to be conveyed is different from the legal description in the most recent conveyance.
 3. When an existing legal description of the property to be conveyed is so vague, incomplete, or mathematically inadequate that its current location or identification cannot be determined or appears to be missing information, the Butler County Engineer's Tax Map Department is to mark the description "survey required before next transfer".
- F. Affidavits requiring specific information are required when:
1. The grantor is a trustee ORC 317.22(B)
 2. A property is being transferred from an ancestor to heirs ORC 317.22(B).
 3. A trustee ceases to be a trustee for whatever reason ORC 5302.171.

DEED CONTENTS AND STANDARDS

Some of the following documents can convey real property, but all require processing by the Butler County Auditor's Office.

1. Deeds of Conveyance
2. Declarations and By-Laws
3. Affidavits
4. Easements
5. Bankruptcy
6. Annexations
7. Change of Name
8. Court Entries
9. Lot Combinations
10. Mergers
11. Deed Restrictions
12. Ordinances
13. Agreements
14. Notices

To provide meaningful information for transfers, these documents must contain the following information.

1. Name of Grantor
2. Name of Grantee
3. Signature of Grantor
4. Legal Description of Property
5. Parcel Number

To be recorded, such documents must have the items above, plus contain the following information.

1. Butler County Auditor's transfer endorsement
2. Complete notary information
3. Name of person who prepared document
4. Original signatures, preferably in black ink
5. Name of current owner on affidavits
6. Certified copy of death certificate with affidavit for Transfer to Survivor

All documents must be legible and of an acceptable quality. Documents with staples, tape, and glue are not acceptable. Standard paper size of 8.5 x 11 and 8.5 x 14 is required.

BUTLER COUNTY ENGINEER'S PROCEDURES

Tax maps are maintained by the Tax Map Department at the Butler County Engineer's Office. The intent of these requirements is to provide a standard method of checking legal descriptions.

Anyone who prepares an instrument of conveyance is strongly recommended to have all descriptions preapproved by the Butler County Engineer's Tax Map Department prior to the actual time of conveyance. This can avoid delays and allow time for any corrections, if needed.

During the preapproval process, the Butler County Engineer's Tax Map Department staff will verify descriptions to insure they are consistent with the tax map and verify the parcel numbers listed match the legal description. A "BCEO APPROVED" stamp will only be applied if the description is approved. Discrepancies will be identified to the Customer with instructions to correct the description, parcel number, or if a survey required will be necessary. If a survey is necessary and it is staying within the family, it may be stamped with a "SURVEY REQUIRED NEXT TRANSFER" stamp.

BUTLER COUNTY AUDITOR'S PROCEDURES

Based upon ORC 319.203, the Butler County Auditor cannot transfer any conveyance that does not comply with the standards adopted by the Butler County Auditor and the Butler County Engineer.

These standards apply to any document presented to the Butler County Auditor under ORC 319.20 that conveys title to real property. Such documents are commonly referred to as "deeds" but may be identified by different names.

Deeds are presented first to the Butler County Auditor so that the name of the owner can be transferred on the County's Tax List. This process involves the Butler County Engineer's Tax Map Department to confirm legal descriptions. Once transferred, deeds are usually recorded with the Butler County Recorder, but the legal consequences of recording deeds are beyond the scope of these standards.

The Butler County Auditor transfers property by indorsing transfer documents by hand, with preprinted stamps, or an electronic stamp that confirms the property data complies with existing conveyance standards. These endorsements are made on the face of the document and their purpose is stated.

CONVEYANCE STANDARDS

Conveyance standards involve two primary areas of documentation:

- A. Property records maintained by the Butler County Auditor.
- B. Legal descriptions interpreted by both the Butler County Auditor and the Butler County Engineer.

(A) Property Records Maintained by the Butler County Auditor

In most cases, deeds cannot be transferred without the completion of a Conveyance Fee Statement (“Real Property Conveyance Fee Statement of Value and Receipt”). Almost all transfers require a fee as explained below.

Conveyance Fee Statement

1. A Conveyance Fee Statement must be signed by grantee, or agent and must be identified legibly under the signature.
2. The Butler County Auditor’s Office must be provided with a list of all tax parcels described in the legal description. These parcels must be printed on the description page of the document and must be consistent with the Butler County Auditor’s ownership records. All inconsistencies should be resolved through the plat maps or prior deeds.
3. All property subject to Miami University leases (known as “college lands”) must have evidence of being transferred by the university. These deeds must bear a stamp from the university administration.
4. All items in the grantee section (shaded area) of the Real Property Conveyance Fee Statement of Value and Receipt (DTE 100) should be filled out. The following items should be completed legibly.
 - a. Item 1 Grantor’s name
 - b. Item 2 Grantee’s name
 - c. Item 2a Grantee’s address
 - d. Item 3 Address of property
 - e. Item 4 Tax billing address
 - f. Item 7 Consideration (Price Paid) for Real Property (all lines where applicable must be completed)
 - g. Item 8 Senior Citizens Homestead
 - h. Item 9 CAUV status
5. DTE form 101 must be attached to the Conveyance Fee Statement if Item 8 shows property is entitled to receive senior citizen homestead exemption (box “a”).

6. DTE form 102 must be attached to the Conveyance Fee Statement if Item 9 shows property is qualified for Current Agricultural Use Valuation (box “a”)

Affidavits

- A. Any deed that has a trustee as the grantor must have either (1) a statement on its face that title is held pursuant to ORC 5301.03 et seq as a “Naked Trust”, or (2) an appropriate affidavit according to ORC 317.22(B), which must contain the location of the trust instrument, a description of the powers of the trustee to transfer of real property, and the name of the person who transferred the real property to the trust. The Butler County Auditor must endorse such deeds as being transferred by affidavit. The affidavit shall be filed with the Butler County Recorder. No affidavit is required for deeds referenced to ORC 5301.03, and master affidavits may be filed and referenced by book and page in the deed’s granting clause.
- B. Any deed that transfers real estate from the name of an ancestor to the heir or next of kin, must have an appropriate affidavit according to ORC 317.22(B). The Butler County Auditor must endorse such deeds as being transferred by affidavit. The affidavit should be filed with the Butler County Recorder.
- C. When a trustee ceases to be a trustee of land owned by a trust for whatever reason, the successor trustee must present to the Butler County Auditor an appropriate affidavit according to ORC 5302.171. The Butler County Auditor will endorse this affidavit so it can be filed with the Butler County Recorder according to the same statute.

Conveyance Fees

Conveyance Fees shall be charged in compliance with rates established by ORC 319.54 as last revised at the time of conveyance. Conveyance Fees are updated on a periodic basis. The current Conveyance Fees can be found under “Conveyance Fees on Real Estate” on the Butler County Auditor’s website.

(B) Legal Descriptions

Section 315.251 of the Ohio Revised Code requires a “boundary survey” whenever land to be conveyed is only part of the grantor’s land or when the legal description is different than that previously conveyed. Boundary surveys have specific requirements under Chapter 4733 of the Ohio Administrative Code and are subject to review and approval by the Butler County Engineer’s Tax Map Department. Approved surveys and descriptions are then kept on file by the Butler County Engineer’s Tax Map Department.

PLATS AND LEGAL DESCRIPTIONS

I. Requirements for all recorded lots of record

1. All instruments conveying a recorded lot in a recorded subdivided area must designate the lot number(s), the official recorded subdivision name including “Section” title and “Block” title, the envelope/book and page reference of plat record, and the prior recorded deed reference.
2. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed so the Butler County Auditor can determine the residue or balance left, based on the current tax maps and parcel numbers.
3. Any area being conveyed in what is commonly known as an “Unrecorded Plat” must have a metes and bounds description.

II. Requirements for existing metes and bounds descriptions of records.

1. Deeds that contain sub-standard or vague legal descriptions that are not acceptable metes and bound descriptions shall be stamped by the Butler County Engineer’s Tax Map Department, “Survey Required Next Transfer” on the deed or transfer document. This means a complete survey must be performed the next time the parcel transfers and a new legal description prepared accordingly. (See exception under Paragraph 3 below).
2. All existing metes and bounds descriptions of record which do not create or alter the current tax structure of a parcel(s) will be checked by the Butler County Engineer’s Tax Map Department to verify and identify to the Butler County Auditor the tax parcel(s) to be conveyed. All tax parcel numbers to be conveyed must be listed on the legal description.
3. If a tract of ground is subject to a foreclosure sale and the original deed has been stamped “Survey Required Next Transfer”, the new Sheriff’s deed may use the original description, but shall have the “Survey Required Next Transfer” stamp affixed.
4. Any existing metes and bounds descriptions which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
5. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to title exist must incorporate the following requirements:
 - A. Each out-lot or exception to title of the original tract(s) must be described verbatim (legal description with acreage) as witnessed by the previous conveyance of record. No transfer will be approved where the description of the land set forth contains more than three (3) exceptions.
 - B. Each document exception must recite the title, acreage, and its recorded source by which it can be readily verified. It will not be necessary to recite all easements and restrictions unless they are on the previous instrument or readily available.
 - C. All instruments of conveyance using exceptions of title to convey the balance of remainder of a tax parcel(s) should incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as witnessed by the Butler County Auditor’s tax duplicate for the subject conveyance. The purpose of this statement is to convey all of the tax parcel(s) number and district, containing

acreage or footage, as shown by the Butler County Auditor. The Butler County Engineer's Tax Map Department will assist in furnishing the parcel(s) number when requested.

6. Prior legal descriptions must start with "Situated" and denote State, County, Township or Municipality, and Original Land Subdivision Description (Rule 4733-37-05(C)(1) of the Ohio Administrative Code). It must also denote section, township, and range.
7. When a survey is provided, all metes and bounds descriptions must match the plat of survey when checked by the Butler County Engineer's Tax Map Department for verification or approval.
8. The conveyance of all Railroad right-of-way, Steel Mill property, and Canal lands shall be conveyed with a new boundary survey, a new legal description and a plat of survey which shall satisfy the requirements of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio and the Butler County Conveyance Standards. The County has the right to review these descriptions on a case-by-case basis.

III. Requirements for New Metes and Bounds descriptions for Conveyance

All new metes and bounds descriptions must meet Rule 4733-37-06 of the Ohio Administrative Code and incorporate the following:

1. Situate:

- A. Legal description must start with "Situated" and denote State, County, Township or Municipality, and Original Land Subdivision Description (Rule 4733-37-05(C)(1) of the Ohio Administrative Code). It must also denote section, township, and range.
- B. Must denote recorded title and the prior recorded deed reference.

2. Monumented Reference Point:

- A. All descriptions must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways of record, section or quarter section corners, or platted lot corners (Rule 4733-37-05(C)(3) of the Ohio Administrative Code).

3. Course:

- A. Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from point of beginning to point of termination for the subject description.
- B. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and decimal parts thereof, from point of origination to a point of termination of each course.
- C. The basis of the bearings shall be given in a statement similar to the following: "This bearing is based on the centerline bearing of the 'Road Number' or 'Road Name' and all other bearings are from angles and distances measured in the field", or "Bearings shown hereon are based on an assumed meridian and are used to denote angles only".
- D. Each course must recite all monumentation, (Rule 4733-37-03(A) of the Ohio Administrative Code) either set or found, along each course, or at the point of

origination and/or termination of each course. This recitation shall include the type, size, and material of each monument. If a corner is located within a paved public/private road, a reference monument should be installed per Rule 4733-37-03(B) of the Ohio Administrative Code.

- E. Every boundary monument and/or reference monument set by the surveyor shall, when practicable, be in accordance with Rule 4733-37-03(C) of the Ohio Administrative Code.
- F. Each course must show all other common lines such as centerlines of roads, rivers, streams, etc. quarter or half section lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.

4. Curves:

Any course of a new metes and bounds description which is a curve must contain the radius (in feet and decimal parts thereof), direction of the curve (right or left), curve length, central angle and the long chord bearing and distance (in feet and decimal parts thereof) in accordance with Rule 4733-37-06(B)(2)(e) of the Ohio Administrative Code.

5. References:

All references to roads, rivers, streams, railroads, etc. must use current or existing numbers or names of record. Old or original names may also be mentioned if they would add clarity.

6. Acreage:

- A. All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to the third decimal place. Also, the total square footage is required. The total acreage contained within the road right-of-way shall be recited to the third decimal place if the road right-of-way is being dedicated or split.
- B. Whenever a new metes and bounds description encompasses two or more taxing districts/parcels, the parcels will not be combined. A total acreage breakdown of every area in each section/parcel will be provided to create an accurate tax structure.

7. Prior Deed References:

The deed reference(s) from which the current record owner of the conveyance acquired title must be recited.

8. Signed and Sealed Descriptions:

All new metes and bounds descriptions must be prepared by a registered surveyor and shall be signed and sealed. The description shall be accompanied by a signed and sealed plat of survey.

9. Procedure for Minor Subdivisions or Splits:

The procedure for split/combinations (minor subdivisions) can be found at the Butler County Department of Development website.

IV. Requirements for Plats of Survey

1. The surveyor shall prepare a scale drawing of every new metes and bounds description he or she originated and make available a reproducible copy of the drawing to be filed with the Butler County Engineer's Tax Map Department.
2. All new metes and bounds descriptions prepared by a surveyor must incorporate the following statement:

“The above description is based on a field survey performed under the direct supervision of (name, address, telephone number and registration number) on month, day, year”

“Recorded in Plat Book Volume _____, Page _____”.
3. All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure. The lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary and shall meet the closure requirements of Rule 4733-37-04 of the Ohio Administrative Code. The closure shall be shown on the submitted plat.
4. All plat drawings must incorporate the following details:
 - A. A title, such that the general location of the subject survey can be readily identifiable. (This requirement should include the same information as established by Section 1, Item A and B of the “Requirements for New Metes and Bounds Descriptions for Conveyance”).
 - B. A north arrow with a clear statement as to the basis of the reference – Direction Used.
 - C. The monumented control station(s) or monumented starting point reference as cited in the deed description.
 - D. All monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the material and size for each. If all monuments are identified individually, no legend will be required.
 - E. All existing title, and source of title of adjoining owners along each boundary line of the subject survey along with the acreage or lot number of the adjacent tracks.
 - F. All boundary information for each course as established by “Requirements for New Metes and Bounds Descriptions for Conveyance” Section 3, Items A thru F.
 - G. All references used to compile survey must be listed on the plat of survey.
 - H. The scale of the subject drawing.
 - I. The surveyors printed and signed name with date, Ohio Registration Number and reproducible stamp or seal.

V. Drawing Standards

Plats of Survey:

Plat Size	18” x 24”
Letter Size	Minimum 1/8”

Letter Spacing Minimum 1/16" or half of the letter size used.

Right-of-Way Plans:

Plat Size 11" x 17"

Record Plats:

Plat Size 18" x 24" or 24" x 36"

Letter Size Minimum 3/16"

Letter Spacing Minimum 3/32" or half of the letter size used

Line Spacing Between line spacing for both size plats, will be the minimum spacing of the letter size.

Borders All plats will have a 1/2" border

Letter Quality

If the plat drawing is difficult to read due to the labeling and dimensioning of easements and property lines, then all property lines and associated labeling are to be shown on one drawing and all easements and associated labeling are to be shown on another separate drawing on the plat.

Material

Black Ink on translucent bond paper.

Plat Condition

- a. No numbers or letters will be drawn in shaded areas or on a line.
- b. All print will be on the front side of plat and meet all other size standards.
- c. Signatures will be in permanent ink.
- d. Seals will be shaded or in permanent ink.
- e. Folded, wrinkled, or torn plats are not acceptable.

The acceptability of plats is at the discretion of the Butler County Engineer's Tax Map Department.

VI. Minimum Standards for Boundary Surveys in the State of Ohio

In addition to the requirements set for above, all new metes and bounds descriptions, and all requirements for plats of survey must incorporate the principals, and minimum standards of good surveying as defined by Sections 4733-37-01 thru 4733-37-07 of the Administrative Code of the State Board of Registration for Professional Engineers and Surveyors of the State of Ohio.

These requirements are based on the "Minimum Standard for Boundary Surveys in the State of Ohio". Said Minimum Standards have been accepted by the State of Board of Registration for Professional Engineers and Surveyors.

GENERAL PROVISIONS

The Butler County Auditor cannot transfer any conveyance that does not comply with these standards ORC 319.203, and the Butler County Recorder cannot record any deed unless it is transferred by the Butler County Auditor ORC 317.22. Neither the Butler County Auditor nor the Butler County Engineer is responsible for the preparation or accuracy of deeds, affidavits, and similar instruments that transfer title to real property. Under these conditions, both offices will make a good faith effort to help with the transfer of property by providing forms, explaining procedures, and executing endorsements and approvals within a reasonable time frame, but any document that fails to comply will be returned to its author for correction. The Butler County Auditor reserves the right, however, to make notations on documents that effect the Butler County Auditor's domain under ORC 319.203 and transfer a conveyance that might otherwise fail to comply because of an obvious or insignificant error.

RECORD OF ADOPTION

Standards for Conveyance of Real Property adopted on August 29, 2024

Nancy Nix, C.P.A.
Butler County Auditor

Gregory J. Wilkens, PE, PS
Butler County Engineer