

Indexing Standards for Real and Personal Property Records for the State of Georgia

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GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY



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This document will continue to be updated. Comments and questions are encouraged and are to be directed to: Phil Kobierowski, phil.kobierowski@gsccca.org, 404-327-9058.

1. PURPOSE AND APPLICABILITY

This document sets out the standards for the indexing of entries for all Real and Personal Property instruments by Clerks of Superior Court in the State of Georgia (or their agents) and as a guide for developers of local real estate indexing systems.

Act 820 enacted by the Georgia General Assembly in 2001 (HB 1582) mandated standardization for how all deeds, liens, executions, lis pendens, maps and plats and all other documents concerning or evidencing title to real or personal property are to be recorded and managed by Clerks of Superior Court. This legislation also mandated inclusion of such data into the Statewide Uniform Automated Information System for Real and Personal Property (Statewide Real and Personal Property System) as maintained by the GSCCCA. These Standards take into account this, and all other, applicable legislation affecting records maintained locally and transmitted to the GSCCCA for inclusion into the Statewide Real and Personal Property System.

The purpose of these standards is to benefit all individuals that create, file, use or rely upon Real and Personal Property instruments and indexes as they:

1. Fulfill all known legal requirements of Clerks of Superior Court for indexing such instruments without incurring additional liability¹.
2. Account for and classify the various types of instruments affecting real and personal property.
3. Assure that data elements, including names, are indexed and presented in Georgia consist of proper and standardized information.
4. Assure that the parties indexed represent the parties of interest relating to the instrument.
5. Improve the accuracy of the indexes, providing reliable, usable tools are used to efficiently locate records.
6. Are compatible with, and complement, other industry standards (such as Georgia Title Standards) created and used by those who prepare and file instruments, and by those who must search the indexes.

This document may also be used by the public as a tool for better understanding how to search public records since it contains the Standards used by Clerk of Superior Courts for indexing real and personal property records. This document does not address the requirements relating to the suitability of instruments for recording and assumes instruments being indexed have met all such requirements.

These indexing standards assume that the resulting real property indexes are solely intended to be used to locate particular instruments. All determinations by the public as to the purpose, effectiveness or validity of a recorded instrument should be made after examination of the instrument itself, not the indexes.

[These Standards become effective on January 1, 2018. Standards Version 7/9/2008 continues in effect until January 1, 2018.](#)

¹ O.C.G.A. § 15-6-66: "Compliance with such methods and with the rules and regulations relating to indexing established by the Georgia Superior Court Clerks' Cooperative Authority shall not expose the Clerk of the Superior Court to new or additional liability relating to such indexes."

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11. CROSS INDEXING (Other Instruments)

11.1 Cross indexing is a central key to the usability of an index. (This document does not address any physical stamping, canceling, nor marginal notations on instruments, nor filing fee requirements.) Indexing systems are required to present indexers with dedicated fields to enter the index, book, and page values for cross indexing instruments²⁹. Cross indexing that exceeds the amounts specified herein may be performed, at the discretion of the indexer.³⁰

11.2 For all instruments, if the instrument cites specific instructions for the Clerk to cross reference, or cross index, particular other instrument(s), then the indexer should cross index per the instructions. (Such instructions should be clearly visible and near the top of the first page of the instrument.)

11.3 The Indexer should determine if the instrument being indexed falls into a category of the table below and if so, the indexer should cross index the instruments as specified for the category:

If the Instrument Being Indexed is a:	The following Cross Indexes should be indexed (if provided):
Corrective instrument	Instrument(s) being corrected
Cancellation or Release (including partials and quit claim deeds of release)	Instrument(s) being released
Deed Under Power (foreclosure deed) or Deed in Lieu	Original Security Deed(s)
Assignment	Instrument(s) being assigned, or if not provided, then a previous assignment in the chain of title (if provided).
Affidavit	Deed(s) or other recorded instrument in the chain of title of subject property
Nulla bona	Original lien being returned nulla bona
Notice of suit filed	Subject lien(s) of suit filed e.g. materialman's lien
Tax Sale Deed by Judicial Foreclosure *	Book and Page per caption on Tax Deed (see O.C.G.A. 48-4-81)
Satisfaction of Bond for Title *	Original Bond for Title (see O.C.G.A. 44-2-7)
Refiled Deed or lien in response to a change in county Line *	Original instrument being refiled (see O.C.G.A. 44-2-13)
Order Vacating Judgment	Any Deed or FiFa being cancelled (see

²⁹ Use of the dedicated cross index fields requires the selection of the Index/Type of the referenced instrument: either "Deed", "Lien", "Plat" (the value must correspond to the type of index and transmit file that the referenced instrument has or will be transmitted to the GSCCCA), or "UCC" and the book and page value (Filenumber for UCC's) of the first page of the instrument being referenced.

³⁰ When cross indexing, do not index the range of pages of an instrument, just index the first page number.

	O.C.G.A. 44-14-164)
Non Conforming Lien Removal*	Non-conforming lien(s) specified (see O.C.G.A. 44-14-320
Personal Property Lien Extension Affidavits *	Lien specified in Affidavit (see O.C.G.A. 44-14-142)
Settlement or Final Judgment	Lis Pendens of subject suit (see O.C.G.A. 44-14-612)
Notice of Contest of Lien	Subject lien (see O.C.G.A. 44-14-368a)
<u>Georgia Department of Revenue –Renewed state tax execution</u>	<u>Original or rerecorded Department of Revenue state tax execution (see O.C.G.A. 48-3-42(b)</u>

* These Instruments are expected to be filed infrequently.

11.4 In all cases, cross indexing using dedicated cross indexing fields need only be indexed if the instrument either:

- A. Specifies or implies that the instrument to cross reference has been filed in a “Deed”, “Lien”, or “Plat” index, in the same county, and the book and page number have been provided, or:
- B. Is a UCC that has been filed in Georgia and its File number is provided, or:
- C: Is a Transfer Tax / PT-61 Form (see section titled Transfer Tax Filings)

When the instrument being referenced does not meet the above criteria then cross index information may instead be entered in the General Description field. However, cross index information should not be repeated in a General Description field when dedicated cross index fields are used and applicable.

13. GENERAL DESCRIPTION FIELDS

The General Description field is used for information that applies to the document as a whole, or to explain or clarify data in other fields.³¹ It is typically not used as search criteria in automated searches or filters but it typically contains information very useful to those searching the indexes. It is available for the Clerks of Superior Court (or indexing agent) to index data they consider most useful to their public regarding the purpose of the instrument or the property it relates to, in which none of the other fields can be appropriate for.

Do not enter information in the General Description field that belongs in other fields with the exceptions of any Georgia Department of Revenue control number (appearing on Georgia Department of Revenue state tax executions or renewed state tax executions as "REV#") and the last 4 numeric digits of any apparent taxpayer social security numbers or federal employer identification numbers on such instruments as described in Section 17. For example, district, lot, and subdivision name and unit have their own specific fields, described herein, so such data is to be indexed in those fields, not in the General Description. (The public has the capability to search or sort records by values in various fields and thus records will not be found in a search if such data is indexed in the General Description and not in its dedicated field.) Similarly, cross-reference book and page information also now has dedicated fields, so if those fields are available on the indexing system, that information should no longer be indexed in the General Description. (See section titled "Cross-Referencing" in this document.) However, the General Description can be used to clarify data in another field. For example, a document containing "100 feet land lot 7" may be indexed as "7" in the Land Lot field but the General Description may additionally clarify with "100 FT LL 7". (In the future, specifics and standards on indexing legal description information may be provided.)

Examples of General Description data for specific Instrument Types:

(Note: Table below is still being developed. Comments and assistance in completing are appreciated.)

INSTRUMENT TYPE	GENERAL DESCRIPTION INFORMATION TO INDEX *
Deeds - all kinds	Description of the property; legal description information (with the exception of data that belongs in other, property specific, fields defined herein like land lot, subdivision, district, etc).
Contracts	Type of contract; another bk/pg reference if provided. Example: "TERMINATION OF OPTION" (option should be cross-referenced)
Notices	Type of notice. Example: "UCC2"

³¹ The 'Indexing System Guidelines' state an additional requirement of this field that applies when creating "Correction/Addition" records. This requirement states that the text "ADDED mm/dd/yyyy hh:mmA/PM" must be at the beginning of the General Description for Correction/Addition records. However, most indexing systems insert this text & date automatically for the indexer.

14. 'GOOD FROM' and 'GOOD THROUGH' Dates

Each index must maintain a Good-From and Good-through date. For each file transmitted to the GSCCCA for inclusion in the Statewide Real and Personal Property System, the GSCCCA requires the transmitting entity to manually specify a 'Good Through' date (or, or a 'Good From' date for data pertaining to the historical re-indexing project.³²) The Good From and Good Through dates do not need to be advanced with each file transmission to the GSCCCA; they may be the same as previously established in the preceding transmitted file.

It is important to note that the Good-From and Good-Through dates, ~~or dates and times, carry~~ have potential legal liability associated with completeness of data. ~~It can be assumed that the~~ The Clerk of Superior Court and/or agent ~~sending transmitting~~ such data warrants, certifies, ~~or~~ and guarantees that all records filed through the date ~~and times~~ provided have been indexed and ~~(upon file acceptance) transmitted, and as such, carry the responsibility of such a claim.~~

Good-From/Through dates represent completeness of indexed data based on when records are filed with the Clerk of Superior Court. They may be referred to as the 'effective date of indices' in the *Georgia Title Standards*. They are NOT the date of transmission to the GSCCCA, nor the date that records have been indexed.

³² The GSCCCA has sponsored a "Historical Deed Re-Indexing Project" where certified vendors selected by the clerks are paid to re-index real estate records. Data must be completely re-indexed from the instrument and in accordance with the *Indexing Standards*. A vendor with a certified deed indexing system is not automatically eligible to participate in this; they must pass additional certification to demonstrate their knowledge of the *Indexing Standards*.

17. Georgia Department of Revenue State Tax Executions

State tax executions and renewed state tax executions filed by the Georgia Department of Revenue in accordance with O.C.G.A. 48-2-56, and all related instruments, including but not limited to related cancellations, withdrawals, releases and assignments, shall be indexed in accordance with instrument types and rules specified in these Standards for all other equivalent instruments, with the following additional requirements:

- A. The Georgia Department of Revenue control number (“Execution Number” or “REV” number) presented on the instrument shall be indexed. Such number shall be indexed in a dedicated field that is to be made available by land record indexing systems. The alpha numeric value shall be indexed without entering the words “Execution Number” or “REV” or “REV#”.
1. This number is for special processing by GSCCCA and is not required to become a part of the local index presented to the public.
 2. If the Clerk wishes for this control number to appear in the local index and statewide indexes such data may be included in the General Description field either by additionally indexing it in the general description or, if the local indexing system provides, causing it to be duplicated to the general description.
- B. The last 4 numeric digits of each apparent taxpayer social security numbers or federal employer identification numbers presented on the instrument shall be indexed. These numbers shall be indexed in dedicated fields that are to be made available by land record indexing systems.
1. These numbers are for special processing by GSCCCA and are not required to become a part of the local index presented to the public.
 2. If the Clerk wishes for these numbers to appear in the local index and statewide indexes such data may be included in the General Description field either by additionally indexing it in the general description field or, if the local indexing system provides, causing it to be duplicated to the general description.
- C. Each instrument shall include a Reverse Party indexed as “GEORGIA STATE DEPT OF REVENUE” as mandated by OCGA 44-2-2(a)(3).

BILL OF SALE - PERSONAL PROPERTY	<i>Lien</i> MISC	Direct: Seller Reverse: Buyer	44-2-10
BOND <i>(for Real Property)</i>	<i>Deed</i> BOND	Grantor(s): Property Owner & Surety Grantee(s): Entity grantor is bound to	15-6-61
BOUNDARY LINE AGREEMENT	<i>Deed</i> BL	Grantor(s): All parties / property owners Grantee(s): All parties / property owners	15-6-61
CANCELLATION <i>(of a Deed)</i>	*	* See "DEEDS– Security Deed Cancellation"	
CANCELLATION <i>(of a Lien)</i>	*	* See "LIENS – Cancellation of Lien"	
CERTIFICATE <i>(of types not mentioned herein)</i>	<i>Deed</i> CERT	Grantor(s): Name specified in certificate Grantee(s): Name specified in certificate	15-6-61
CERTIFICATE OF CLEARANCE <i>(issued by the Georgia Dept of Revenue)</i>	<i>Lien</i> CERT	<u>Direct: Taxpayer(s)</u> <u>Reverse: GEORGIA STATE DEPT OF REVENUE</u>	<u>44-1-18</u>
CERTIFICATE OF CONSERVATORSHIP	<i>Deed</i> CERT	Grantor(s): Minor / Ward Grantee(s): Minor / Ward	29-3-10
CERTIFICATE OF MERGER	<i>Deed</i> CERT	Grantor(s): Names of merged entities Grantee(s): Names of merged entities	
CERTIFICATE OF NAME CHANGE	<i>Deed</i> CERT	Grantor(s): Old entity name Grantee(s): New entity name	
CERTIFICATE OF PERMANENT LOCATION / REMOVAL / DESTRUCTION <i>(Mobile/Manufactured Homes)</i>	<i>Deed</i> CERT	Grantor(s): Current owner of Real Property Grantee(s): Current owner of Real Property	8-2-182 to 8-2-189
CERTIFICATES OF COMMENCEMENT		See "LIENS – Notice of Commencement"	
CONDOMINIUM DECLARATION	<i>Deed</i> CNDO	Grantor(s): Condominium & Declarant Grantee(s): Condominium & Declarant	44-3-74
CONDOMINIUM FLOOR PLAN	<i>Plat</i> FLPL	All names, plat owners, property owners, subdivision or condominium names (including phase) in floor plan caption.	
CONDOMINIUM PLAT	<i>Plat</i> CPLT	All names, plat owners, property owners, subdivision or condominium names (including phase) in plat caption.	

POWER OF ATTORNEY REVOCATION <i>(unless for dealing specifically with a lien)</i>	<i>Deed</i> RPOA	Grantor(s): Both: Creator / Appointer / Principal & Attorney in fact Grantee(s): Both: Creator / Appointer / Principal & Attorney in fact	15-6-61
POWER OF ATTORNEY REVOCATION <i>(specifically dealing with a lien)</i>	<i>Lien</i> RPOA	Direct: Both: Creator / Appointer / Principal & Attorney in fact Reverse: Both: Creator / Appointer / Principal & Attorney in fact	15-6-61
RELEASE <i>(of a lien)</i>	<i>Lien</i> REL	Direct: Owner / Lien debtor Reverse: Lien Claimant(s)	15-6-61
RELEASE <i>(of Security Deed)</i>	*	* See "DEEDS – Security Deed Partial Release"	
<u>RENEWED STATE TAX EXECUTION</u> <i>(same as "State Tax Execution Renewal")</i>	<i>Lien</i> FIFA	Direct: <u>Taxpayer(s)</u> Reverse: <u>GEORGIA STATE DEPT OF REVENUE</u>	<u>44-3-42</u>
SATISFACTION (Full)	* CANC	* See "DEEDS – Cancellation of Security Deed" or "LIENS – Cancellation of Lien" as appropriate	15-6-61
SATISFACTION (Partial)	* REL	* See "DEEDS – Cancellation of Security Deed" or "LIENS – Cancellation of Lien" as appropriate	15-6-61
<u>STATE TAX EXECUTION</u>	<i>Lien</i> FIFA	Direct: <u>Taxpayer(s)</u> Reverse: <u>GEORGIA STATE DEPT OF REVENUE</u>	<u>44-3-42</u>
<u>STATE TAX EXECUTION RENEWAL</u> <i>(same as "Renewed State Tax Execution")</i>	<i>Lien</i> FIFA	Direct: <u>Taxpayer(s)</u> Reverse: <u>GEORGIA STATE DEPT OF REVENUE</u>	<u>44-3-42</u>
SUBORDINATION AGREEMENT <i>(relating to deed)</i>	<i>Deed</i> AGRE	Grantor(s): Existing Lender Grantee(s): New Lender	15-6-61
TAX EXECUTION	<i>Lien</i> FiFa	See "LIENS – Fi Fa"	48-2-56 48-3-19
UCC (all UCCs filed in Real Estate Records, except UCC3 Terminations)	<i>Deed</i> NOT	Grantor(s): Owner/Debtor Grantee(s): Lender/Secured Party	11-9-403
UCC 3s that are "Terminations" (filed in Real Estate Records)	<i>Deed</i> CANC	Grantor(s): Lender/Secured Party Grantee(s): Owner/Debtor	11-9-403

Notes: