

REQUIREMENTS FOR RECORDING A DEED

1. Marital status of: grantor, mortgagor, assignor, or anyone transferring any interest in real property, including a mortgagee when satisfying or assigning a mortgage.
2. Property in a subdivision must state Plat Book and Page as part of legal description.
3. "This document prepared by_____" must be printed on the document.
4. "Source of Title" is the Deed Book and Page of where grantor or mortgagor acquired the property. Format for source: Source of Title Deed Book____Page____Source is NEVER to be part of the legal description.
5. The Alabama Real Estate Validation or the attestation statement from the RT-1 form must be on the deed with a signature.
6. If there is a statement on document, "less and except minerals" or "Surface Rights Only", mineral tax is due at the rate of .15 cents per net acre, minimum of \$1.00, must state on document total acres being severed or reserved, if deed is not the severing deed, state the Deed Book and Page of original severance.
7. Make sure documents are notarized correctly.
8. Make sure documents are legible.
9. Make sure documents are signed correctly.
10. Make sure all "Exhibits" are attached.
11. Make sure you have a complete legal description and not that of the Tax Assessors office, which is only a partial description for tax assessment only.
12. Document must contain an original signature or a certified copy from the court, certification must have an original clerk's signature.

To be effective, the deed must also include a [valid legal description](#) that identifies the property. The legal description should almost always come from the prior deed to the property. Using the address, description from the tax records, or other self-made legal description can cause ambiguity that requires legal action to resolve.

Comparison with Other Forms of Description

A *legal* description is one that is *legally sufficient to transfer describe the property*. Using the most recent deed to the property is usually the best way to ensure that the current owner's interest passes to the new owner. The following is a list of other types of descriptions that are often insufficient to qualify as an adequate legal description:

- **The description shown in the property tax records.** Property tax records are not the same thing as land records. Depending on the county and state, the property tax records may use a brief description that is inadequate to legally describe the property. And because the tax records are not legal records, the summary description show in the tax records may actually describe a different property than the prior deed.
-
- **Street address.** A street address is not a legal description. Street addresses often change, and they were never intended to provide a reliable description for purposes of deed preparation. A street address is not sufficient to serve as an adequate legal description of the real estate.

In most cases, there's no substitute for simply locating the most recent deed to the property and using the legal description found on that deed.

Section 40-7-16

How real estate may be described.

The description of real estate may be as follows:

(1) If it is an entire section, it may be described by the number of the section, township, and range.

(2) If it is a subdivision of a section authorized by the United States for the sale of public lands, it may be described by a designation of such subdivision, with the number of section, township, and range.

(3) If it is less or other than a subdivision, it may be described by metes and bounds, or in some way by which it may be known; provided, that such description shall be sufficient without more to definitely locate and identify the property so listed and shall give the acreage included therein as nearly as known.

(4) If it is in a city, town, or village, surveyed and laid off, and a plat thereof is recorded in the office of the judge of probate of the county, or if a plat is accessible and if it is as a whole lot or block, it shall be described by the designation of the number thereof.

(5) If it is in a part of a whole lot or block, it may be described by metes and bounds, or in some other way by which it may be known; provided, that such description shall be sufficient without more to definitely locate and identify the property so listed and shall show the quantity of such land so listed.

(6) If it is a tract of which the subdivision is not known to the assessor it may be described by metes and bounds, or in some way by which it may be known; provided, that such description shall be sufficient without more to definitely locate and identify the property so listed and shall show the quantity of such land so listed.

(7) It shall be sufficient to describe lands to be assessed or sold for taxes by initials, abbreviations, and figures.

(8) Mineral, coal, oil, gas, timber, and turpentine interests, when they have been so severed in ownership from the soil, or trees, by sale, or otherwise, shall be separately returned for assessment, which return shall show the land in or on which said mineral, coal, oil, gas, timber, and turpentine, interest is located.

(9) If the surface right only is assessed for taxation, the description of the land may be preceded or followed by the letters S.R., and if the mineral interest only is assessed, the description of the land may be preceded or followed by the letters M.R., or other notation showing the nature of the interest assessed and giving the acreage in or on which such right or rights is or are located.

(Acts 1935, No. 194, p. 256; Code 1940, T. 51, §47.)