

# PENN ATTORNEYS

## TITLE ALERT

**DATE: 8/29/07**

**RE: Title Alert 2007-33 UPDATE: Deed Recording in the City of Philadelphia**

The Commissioner of Records has modified the Department's position regarding the notice attached to our original bulletin: **FOR THE PRESENT**, the requirements are applicable only to individuals who are not affiliated with a title insurance provider, who present documents for recording at the customer service counter. However, post-recording audits will continue and parties submitting Deeds for recording which allege exclusion from payment of transfer tax may be contacted for more information.

***ORIGINAL TEXT OF TITLE ALERT 2007-30, is displayed below.***

The City of Philadelphia Department of Records (the "Department") has issued the attached Notice regarding recording requirements for Deeds effective August 1, 2007. The requirements contained in the Notice which are made in order to assist in preventing, investigating and prosecuting property fraud, consist of two parts, the first of which applies only to individuals physically going to the recording counter at City Hall. Contact information, identification and a signature are now required to record a Deed at the counter, and the staff may take a photograph of the person submitting the Deed for recording.

The second part of the Notice provides the requirements for recording Deeds that are exempt from payment of Realty Transfer Tax. These requirements are imposed whether Deeds are submitted in person at the counter, or submitted by mail.

Transfers between family members that are claiming exemption from transfer tax must now include documentation proving the relationship, including birth certificates, court documents if a child is adopted, marriage licenses, divorce decrees, and for decedents' estates, copies of the will and short certificates.

The Department confirmed that even if an estate is probated in Philadelphia, the decedent's will and short certificate must be provided as the Department will not check Orphan's Court for the file. The Department also indicated that if the documentation is not provided or is not satisfactory to prove the reason cited for the exemption, the Deed may be rejected and additional documentation requested.

As always, if you have any questions, please contact your servicing Penn Attorneys office.

### **Penn Attorneys Title Insurance Co.**

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## NOTICE TO INDIVIDUALS FILING DEEDS

To assist in preventing property fraud and to aid investigations and prosecutions of cases of property fraud, as of August 1, 07 any individual submitting a property deed for recording will be required to provide the following at the Customer Service counter:

**[1] Name, address and contact information of submitter.**

This information must be entered in the logbook.

**[2] Signature.**

The logbook entry must be signed by the submitter of the deed.

**[3] Personal Identification for submitter, with photo and signature.**

Acceptable forms of ID include one of the following:

- a current state-issued driver's license;
- a current state-issued ID card;
- a current U.S. passport.

The ID number on this identification document will be recorded and a photocopy of the document may be made by Customer Service staff.

**[4] Photo**

Customer Service staff may request to take a photo of any individual who is submitting a deed for recording.

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## ADDITIONAL REQUIREMENTS FOR FILING DEEDS NOT SUBJECT TO REALTY TRANSFER TAX

An individual submitting a deed for recording and who claims exemption from Philadelphia Realty Transfer Tax due to an eligible transfer between family members must be able to prove such familial relationship by providing appropriate documentation. Such documentation may include:

- birth certificate, in circumstances of transfer from parent to child or between children of the same parent;
- court documents indicating parental relationship, in circumstances of transfer from parent to adopted child;
- marriage license or divorce documents in circumstances of transfer between spouses or ex-spouses;
- will or other valid probate documents, in instances of probate transfer.

Note that some tax exempt transfers, such as between in-laws, may necessitate a combination of forms of proof of relationship, such as birth certificate and marriage license.

Customer Service staff may request to make photocopies of the proof of relationship documents.