

PENN ATTORNEYS

TITLE ALERT

DATE: 10/27/08

RE: Title Alert 2008-18 New Ordinance—Deed Recording in the City of Philadelphia

Pursuant to Philadelphia City Council Bill No. 080424-A, new requirements apply to Deeds submitted for recording beginning November 3, 2008. Like the requirements we notified you about back in August 2007 (see *Title Alert 2007-30* at: http://www.pennattorneys.com/printable/title_alerts/2007-30.pdf), these new requirements are to further assist in the prevention of property fraud. If you would like to read Bill No. 080424-A, it can be found on the Department of Records Website at: http://www.phila.gov/Records/Announcements/New_Document_Recording_Law.html.

New Requirements:

1. **Deed Name Match** - A check will be performed to confirm a name match of the grantor's name set forth on the new deed and the record owner of the real estate identified therein.
2. **Documentation** - If the grantor involves decedent's letters testamentary or administration; grantor is a trustee; grantor is a corporation; grantor is signing under a power of attorney, documentation as specified in the Bill must be submitted with the deed.
3. **Submissions** - If a deed is sent by U.S. mail, the mail must be certified or registered. If not certified or registered, the Deed will not be recorded and will be returned to the sender. Deeds delivered by means other than U.S. Mail (e.g. commercial/overnight couriers like FedEx, DHL, UPS) will continue to be accepted.

Exceptions to the above requirements:

1. **Submission by an attorney or a title company** – When the party submitting the Deed for recording is an *attorney* or *title company* (the Bill means “Title Company” as defined in 40 P.S. § 910-1(3)), the above 3 requirements do not apply, however an Affidavit Form must accompany each deed submitted for recording. The affidavit is attached as an exhibit hereto, or to open a blank printable form or an interactive on-line fillable-form on the Department of Records website, click here: http://www.phila.gov/Records/Announcements/New_Document_Recording_Law.html.
2. **E-filers** – According to the Department, attorneys or title companies who submit deeds by electronic means will need to submit the Affidavit Form only once, with the first submission, on or after November 3, 2008.

NOTE: These requirements apply to DEEDS ONLY: all other recording requirements remain unchanged.

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