

REQUIREMENTS FOR CONVEYING TITLE TO LAND

REQUIRED DOCUMENTATION

ITEM #1

The City of Johns Creek must be assured that it is receiving right-of-way and/or easements from the proper entity. As such, we require **one** of the following:

- Copy of title report showing current ownership to the property
- Copy of most recently recorded deed to property showing current ownership

ITEM #2

In Georgia, it is incumbent upon the Grantee (in this case the City of Johns Creek) to also assure itself that signatory is authorized to sign a document on the behalf of a corporation, LLC, partnership, etc. As a result we are also requiring a copy of the following documentation as proof of authorization to sign:

Ownership Entity

Corporation
 Limited Liability Corporation (LLC)
 Partnership
 Church

Required Documentation

Corporation By-Laws & Delegated Officers by the Secretary
 LLC's Articles of Organization or Board Resolution/Minutes
 Partnership Agreement
 Church By-Laws, Articles of Incorporation, or Church Resolution

NOTE: We understand that some of this documentation may be lengthy. As a result, it will be acceptable to provide the cover page, the signature page(s) and the section of the document specific to authorized signatories. The submitted information should also include a listing of the current officers/members of the organization.

SIGNATURE REQUIREMENTS

For any deed to be recorded, one must have the deed witnessed and notarized. For specific persons or entities, particular requirements detailed below must be met for a deed to be recordable.

Individuals (OCGA 44-5-30)

A deed to convey an interest in land must be:

- in writing,
- signed by the grantor(s)
- attested by at least two witnesses. (one should be an unofficial witness with the other being a notary public with the notary's seal affixed)
- delivered to the land purchaser or his representative
- made on a good or valuable consideration. (i.e., the land should be purchased; the land should not be a gift)

Corporations (OCGA 14-5-7)

Instruments executed by a corporation conveying an interest in land should:

- be signed by the president or vice-president
- be attested or countersigned by the secretary or an assistant secretary or the cashier or assistant cashier of the corporation
- have a corporate seal

- be witnessed and notarized

OR

- be signed by the president or vice-president
- be attested or countersigned by an officer who has the authority to execute instruments by a corporate resolution or in accordance with its bylaws
- have a corporate seal
- be witnessed and notarized

LLCs, or Limited Liability Companies (OCGA 14-11-301 and OCGA 14-11-302)

Instruments executed by a Limited Liability Companies conveying an interest in land should be signed by a manager or member of the LLC, unless the manager or member does not have authority to sign for the LLC through the LLC's articles of organization. The document should also be witnessed and notarized.

Partnerships (OCGA 14-8-10)

Instruments executed by a partnership conveying an interest in land should be signed under the following guidelines:

1. Where title to land is in the partnership name, the instrument should be signed by at least one partner, but we prefer to have the signatures of all of the partners.
2. Where title to land is in the name of one or more but not all the partners, the instrument should be signed by the partners in whose name the title stands
3. Where title to land is in the name of one or more or all the partners, all partners must sign the instrument

The document should be witnessed and notarized.

Limited Partnerships (OCGA 14-9-106)

Instruments conveying an interest in land should be signed by a general partner (unless there are limitations on the authority of the general partner to sign these instruments in the certificate of limited partnership). The document should be witnessed and notarized.

Public Schools (OCGA 20-2-520)

An instrument conveying title to Public School land should:

- be Sold in the name of the county board
- be signed by the president or secretary of the county board,
- have an order from the county board authorizing the sale of land.
- have the Seal of the school if one exists
- be witnessed and notarized

Churches (OCGA 14-5-47)

1. An instrument conveying title to Church land should comply with the requirements set forth in the church bylaws, Church Articles of Incorporation, or other written documentation such as a Church Resolution. Often, these Church bylaws state that a trustee of church property has the power to convey land or that the congregation must authorize the sale of land. Thus, one must ask to see copies of the Church bylaws or Articles of Incorporation before going through with a sale.

2. Either Individual requirements (above) and Corporation requirements (above) may apply to pass title. Thus, to be safe, one should also require that the instrument passing title:

- Have the Church Seal and
- Be witnessed and notarized

Deeds Executed Out of State (OCGA § 44-2-21)

In order to record a deed to Georgia realty executed outside the state, the deed must:

- be attested by or acknowledged before
 - A consul or vice-consul of the United States, whose certificate under his official seal shall be evidence of the fact; or
 - A judge of a court of record in the state or county where executed, with a certificate of the clerk under the seal of such court of the genuineness of the signature of such judge; or
 - A clerk of a court of record under the seal of the court; or
 - A notary public or justice of the peace of the county or city of the state or the state and the county, city, or country where executed, with his seal of office attached; if such notary public or justice of the peace has no seal, then his official character shall be certified by a clerk of any court of record in the county, city, or country of the residence of such notary or justice of the peace.
- be attested by two witnesses – one of whom may be one of the officials named above
- be in writing
- be signed by the grantor(s)

If the transfer of property involves an ESTATE, please contact the Right-of-Way Coordinator (678-512-3254) for further direction.

IF UNSURE, ALWAYS ASK FOR LEGAL ADVICE ON HOW TO PROPERLY EXECUTE A DEED