

Index

ABANDONMENT

- Easements, § 2:34
- Mobile homes, Abandoned Mobile Home Act, § 2:42

ABSTRACTS

- Generally, § 2:6
- Form, § 2:7

ACCESS ENDORSEMENT

- Closings, § 3:145

ACKNOWLEDGMENT

- Interest rate increase, form, § 3:56
- Rights, acknowledgment of, generally, § 3:23

ADMINISTRATOR'S DEED

- Form, § 4:23

ADVANCEMENT

- Form, advancement and merger agreement, § 4:26

ANGLES

- Legal descriptions, § 1:8

APPRAISER NEGLIGENCE

- Closings, § 3:7

ARCHITECTS

- Form, architect's agreement and consent, § 4:65

ARCS

- Legal descriptions, § 1:18

ARTICLES OF INCORPORATION

- Certification of, form, § 3:39

ASSIGNMENT

- Architect's agreement and consent, § 4:65
- Collateral assignment of partnership interest, § 4:42
- Contractor's agreement and consent, § 4:66

ASSIGNMENT—Cont'd

- Leases and rents, assignment of, § 4:40
- Restrictive covenants, § 2:35
- Subordination of management agreement, § 4:41

ASSUMED FACTS

- Title examinations, § 2:11

ASSUMPTION

- Letter to lender requesting assumption information, form, § 3:74
- Non-recourse loan, loan assumption agreement for, § 4:51
- Obtaining assumption information, § 3:73; 3:74

ATTACHMENTS

- Title examinations, § 2:26

ATTORNEY MALPRACTICE

- Closings, § 3:7

ATTORNEY'S FEES

- Closings, § 3:65

ATTORNMEN

- Combined tenant estoppel and subordination, non-disturbance and attornment agreement, form, § 4:68

BAD FAITH

- Title insurance company, § 3:20

BANKRUPTCY

- Debtor's affidavit to support release of execution discharged in bankruptcy, § 2:18

BEARINGS

- Legal descriptions, § 1:7

BEGINNING POINTS

- Legal descriptions, § 1:5

BLOCK

Legal descriptions, § 1:3

BOUNDARY LINE AGREEMENT

Legal descriptions, § 1:29; 1:30

BOUNDARY LINE DISPUTES

Legal descriptions, § 1:28

BOUNDS

Legal descriptions, § 1:4

BROKER LIENS

Closings, § 3:45; 3:46

Paragraph for owner's affidavit,
form, § 3:46

BUSINESS PURPOSE

Closings, § 3:98

Covenants, § 2:35

BY-LAWS

Closings, § 3:39

CALL OPTION CLAUSE

Promissory note, form, § 4:48

CANCELLATIONS

Closings, § 3:63; 3:115

CAPTION PROPERTY

Title examinations, § 2:6

CEREMONY

Closing ceremony, § 3:111

CERTIFICATE OF SURVEYOR

Closings, § 3:12

CERTIFICATE OF TITLE

Generally, § 2:39

Form, § 2:38; 2:39

Preliminary certificate of title, § 2:38

CERTIFIED COPIES

Closings, § 3:69

CHECKDOWN

Closings, title checkdown, § 3:125

CHECKLISTS

Closings, survey review checklist,
§ 3:14

CHORDS

Legal descriptions, § 1:18

CLAIM FOR REFUND

Closings, intangible tax, § 3:62

CLOSINGS

Generally, § 3:1 to 3:151

Access endorsement, § 3:145

Acknowledgment

interest rate increase, § 3:56

rights, acknowledgment of, gener-
ally, § 3:23

Articles of incorporation and

by-laws, certification of, § 3:39

Assumption information, § 3:73;
3:74

Attorney malpractice, § 3:7

Attorney's fees, § 3:65

Broker liens, § 3:45; 3:46

Business purpose, statement of,
§ 3:98

By-laws, certification of, § 3:39

Cancellations, § 3:63; 3:115

Ceremony, closing ceremony, § 3:111

Certificate of surveyor, § 3:12

Certified copies, § 3:69

Checkdown, title checkdown,
§ 3:125

Checklist, survey review checklist,
§ 3:14

Claim for refund, intangible tax,
§ 3:62

Commercial leases, § 3:139

Communications with parties, § 3:6

Comprehensive endorsement,
§ 3:143

Computing borrower's monthly pay-
ment, § 3:55

Conformed copies, § 3:69

Construction loans, § 3:138

Continuity endorsement, § 3:146

Corporate resolutions, § 3:33 to 3:35

Deeds and deeds to secure debt,
§ 3:22

Defects, generally, § 3:18

Defined, § 3:2

Disbursements, § 3:108; 3:112

Due process, waiver of, § 3:24

Earnest money, § 3:43

Electronic recording, § 3:29

Electronic signatures, § 3:28

INDEX

CLOSINGS—Cont'd

- Environmental concerns of lenders and purchasers, § 3:131; 3:132
- Escrow, this index
- Execution of deeds, § 3:25
- Fair Lending Act, § 3:99
- Fees and charges
 - attorney's fees, § 3:65
 - lender's charges, § 3:57
- Real Estate Settlement Procedures Act, prohibited fees and kickbacks, § 3:78
- recording and cancellation fees, § 3:63
- survey cost, § 3:64
- FHA loans, other documents for, § 3:110
- Filing systems, § 3:3
- Final disposition of documents, § 3:127
- Forms, this index
- Fraud, Georgia Residential Mortgage Fraud Act, § 3:100
- Future advance endorsement, § 3:149
- Georgia Fair Lending Act, § 3:99
- Georgia Residential Mortgage Fraud Act, § 3:100
- Hazard insurance, § 3:50
- Home Ownership and Equity Protection Act, § 3:90
- HUD-1, HUD-1A, and ALTA settlement statements, § 3:105
- HUD-1 and HUD-1A forms, § 3:81
- Initial information, § 3:5
- Insurance
 - hazard insurance, § 3:50
 - mortgage guarantee insurance, § 3:66
 - protection letter, § 3:21
 - title insurance, § 3:20; 3:126; 3:141
 - waiver of tax and insurance escrows, § 3:53
- Intangible tax
 - generally, § 3:59
 - claim for refund, § 3:62
 - forms
 - claim for refund, § 3:62

CLOSINGS—Cont'd

- Intangible tax—Cont'd
 - forms—Cont'd
 - proration of intangible tax when real property located in more than one county, affidavit for, § 3:60
 - protest, intangible tax protest, § 3:61
 - proration of intangible tax when real property located in more than one county, affidavit for, § 3:60
 - protest, intangible tax protest, § 3:61
- Interest rate increase, acknowledgment for, § 3:56
- Interim waiver and release upon payment, § 3:134
- Investigations, environmental, § 3:132
- Kickbacks, § 3:78
- Lender's charges, § 3:57
- Lender's package, § 3:114
- Limited liability companies, § 3:40; 3:41
- Lis pendens, cancellation of, § 3:118
- Mechanics' and materialmen's lien waiver, § 3:133
- Monthly payment, computing borrower's, § 3:55
- Mortgage guarantee insurance, § 3:66
- Name of corporation, affidavit, § 3:38
- Nonpayment, affidavit of, § 3:136
- Notes, § 3:31
- Notice of right of rescission, § 3:92
- Organization, § 3:3
- Owner's affidavit, § 3:101
- Parties, § 3:6; 3:7
- Payment, affidavit of, § 3:137
- Payment outside closing, § 3:70
- Payoffs, obtaining, § 3:71; 3:72
- Power of attorney, § 3:25; 3:27
- Preliminary notice of lien, cancellation of, § 3:119; 3:120
- Prepaid interest and other items, § 3:51; 3:52

CLOSINGS—Cont'd

- Proration of intangible tax when real property located in more than one county, affidavit for, § 3:60
- Protection letter, § 3:21
- Protest, intangible tax protest, § 3:61
- Purchase price, § 3:42
- Quitclaim Deeds, this index
- Real estate commissions, § 3:44
- Real Estate Settlement Procedures Act (RESPA), this index
- Recordings
 - generally, § 3:112
 - fees, § 3:63
- Refund, intangible tax claim for refund, § 3:62
- Release of deed to secure debt, § 3:116; 3:121; 3:122
- Reports, review of the title report, § 3:17
- Rescission model form
 - H-9, refinancing with original creditor, § 3:94
 - H-8(A), general, § 3:93
- Rescission right, § 3:91 to 3:95
- Reviewing a survey, § 3:13; 3:14
- Review of loan package, § 3:10
- Review of title report, § 3:17
- Security Deeds, this index
- Self-filer notarization and recording requirements, § 3:26
- Settlement agreements, § 3:151
- Settlement statements, § 3:105
- Shareholders of corporation, affidavit identifying, § 3:37
- Short sales, § 3:9
- Signatures
 - electronic signatures, § 3:28
 - instructions for, § 3:30
 - stamped signatures, § 3:22
- Special assessments, § 3:48
- State deed tax, § 3:58
- Statement, closing statement, § 3:102 to 3:104; 3:106; 3:107
- Survey cost, § 3:64
- Survey endorsement, § 3:144
- Surveyor's certificate, § 3:12
- Survey standards, § 3:11

CLOSINGS—Cont'd

- Survival of contract, § 3:68
- Taxes
 - ad valorem taxes, § 3:47
 - endorsement, tax parcel endorsement, § 3:150
 - information for tax services, § 3:67
 - Intangible tax, above
 - state deed tax, § 3:58
 - waiver of tax and insurance escrows, § 3:53
 - withholding tax on sale or transfer of real property by non-residents, § 3:128
- Termite reports, § 3:75
- Title examination, ordering, § 3:15
- Title insurance, § 3:20; 3:126; 3:141
- Title objections, letter to seller regarding, § 3:19
- Title order, § 3:16
- Truth in Lending and Reg Z, this index
- Uniform Real Property Electronic Recording Act, § 3:29
- Usury endorsement, § 3:147
- Utility access endorsement, § 3:148
- VA loans, other documents for, § 3:110
- Waiver
 - due process, § 3:24
 - interim waiver and release upon payment, § 3:134
 - mechanics' and materialmen's lien waiver, § 3:133
 - rights, waiver of, generally, § 3:23
 - tax and insurance escrows, § 3:53
 - unconditional waiver and release upon final payment, § 3:135
- Water bills, § 3:49
- Wire transfer fraud, § 3:112
- Wire transfer funds, letter receipt of, § 3:109
- Withholding tax on sale or transfer of real property by non-residents, § 3:128
- Witnesses, instructions for, § 3:30
- Zoning, § 3:140; 3:142

INDEX

CLOSURE

Legal descriptions, § 1:12

COMMERCIAL LEASES

Closings, § 3:139

COMMUNICATIONS WITH PARTIES

Closings, § 3:6

COMPREHENSIVE ENDORSEMENT

Closings, § 3:143

COMPUTATIONS

Closings, computing borrower's monthly payment, § 3:55

CONFORMED COPIES

Closings, § 3:69

CONSENT

Architect's agreement and consent, § 4:65

Boundary line agreement, consent of lienholder to, § 1:30

Contractor's agreement and consent, § 4:66

CONSTRUCTION AND INTERPRETATION

Covenants, § 2:35

Title insurance policy, § 3:20

CONSTRUCTION LOANS

Generally, § 3:138

Agreement, form, § 4:64

CONTINUITY ENDORSEMENT

Closings, § 3:146

CONTRACTOR'S AGREEMENT AND CONSENT

Form, § 4:66

CONTROLLED BUSINESS ARRANGEMENTS

Real Estate Settlement Procedures Act, § 3:78

CONVERSION ACTION

Closings, § 3:7

CORPORATE RESOLUTIONS

Closings, § 3:33 to 3:35

CORRECTIVE DEEDS

Legal descriptions, § 1:33

COUNTY

Legal descriptions, § 1:15

COURSES

Legal descriptions, § 1:6 to 1:8; 1:11

COVENANTS AND RESTRICTIONS

Title examinations, § 2:35

CREEKS

"Following the meanderings thereof," § 1:20

Traverse lines, § 1:19

CURVED CORNERS

Legal descriptions, § 1:22

DEDICATION

Title examinations, § 2:34

DEFECTS

Closings, § 3:18

DELINQUENT TAX DOCKET

Title examinations, § 2:25

DISBURSEMENTS

Closings, § 3:108; 3:112

DISCLOSURE

Home Ownership and Equity Protection Act (HOEPA), § 3:90

Integrated mortgage disclosures, § 3:85 to 3:88

Real Estate Settlement Procedures Act (RESPA), this index

Truth in Lending and Reg Z, this index

DISTANCES

Legal descriptions, § 1:9; 1:11

DISTRICTS

Legal descriptions, § 1:2; 1:15

DIVORCE

Excrow pending divorce, form, § 4:3

DOCKETS

Delinquent tax docket, § 2:25

Records search, § 2:15

TITLE EXAMINATIONS AND CLOSINGS

DRIVEWAYS

- Encroachment agreement, form,
§ 1:32
- Protective covenants and restrictions,
§ 2:35

DUE ON SALE PROVISION

- Form, § 4:28; 4:44

DUE PROCESS

- Closings, § 3:24

DUTY TO DEFEND

- Title insurance company, § 3:20

EARNEST MONEY

- Closings, § 3:43

EASEMENTS

- Title examinations, § 2:34

ELECTRONIC RECORDING

- Closings, § 3:29

ELECTRONIC SIGNATURES

- Closings, § 3:28

ENCROACHMENTS

- Agreement, generally, § 1:31
- Driveway encroachment agreement,
§ 1:32

ENVIRONMENTAL CONCERNS

- Closings, § 3:131; 3:132

ERRORS

- Legal Descriptions, this index

ESCROW

- Account, closings, generally, § 3:4
- Agent, fiduciary duty, § 3:7
- Closing agreement, § 4:2
- Deposits, § 3:52
- Divorce, escrow pending divorce,
§ 4:3
- Improvements, escrow agreement for,
§ 4:61
- Instruction, lender escrow instruction
letter, § 4:38
- Letter, § 3:54; 4:38
- Pledged collateral control agreement
(escrow reserve), § 4:63

ESTIMATES

- Loan estimate, § 3:86; 3:87

ESTOPPEL

- Combined tenant estoppel and
subordination, non-disturbance
and attornment agreement, form,
§ 4:68

EXCESSIVE USE

- Easements, § 2:34

EXCULPATION CLAUSE

- Promissory note, form, § 4:46

EXECUTION OF DEEDS

- Closings, § 3:25

EXECUTORS

- Assent of executor to devise, § 4:18
- Power, executor's deed under,
§ 4:16; 4:17
- Public sale, executor's deed under,
§ 4:14
- Quitclaim deed by executor and from
all devisees, § 4:15

“EXHIBIT A” LEGALS

- Legal descriptions, § 1:25

FAIR LENDING ACT

- Closings, § 3:99

FALSE LIENS

- Title examinations, § 2:43

FEDERAL TAX LIENS

- Title examinations, § 2:20

FEES AND CHARGES

- Closings, this index

FENCES

- Legal descriptions, § 1:23

FHA LOANS

- Closings, § 3:110

FL. FAS.

- General Execution Docket (GED),
§ 2:16

FILING SYSTEMS

- Closings, § 3:3

INDEX

FINAL DISPOSITION OF DOCUMENTS

Closings, § 3:127

FINANCIAL STATUS CERTIFICATE

Form, § 4:34

FINANCING STATEMENTS

Title examinations, § 2:28

FNMA/FHLMC PROMISSORY NOTE

Form, § 4:30

FNMA/FHLMC UNIFORM SECURITY DEED

Form, § 4:24

“FOLLOWING THE MEANDERINGS THEREOF”

Legal descriptions, § 1:20

“FOLLOW THE CURVATURE THEREOF”

Legal descriptions, § 1:20

FORGERY

Deeds, § 3:22

FORMS

Generally, § 4:1 to 4:70

Abstract, § 2:7

Acknowledgment for interest rate increase, § 3:56

Administrator's deed, § 4:23

Advancement and merger agreement, § 4:26

Architect's agreement and consent, § 4:65

Articles of incorporation and by-laws, certification of, § 3:39

Assignment

architect's agreement and consent, § 4:65

collateral assignment of partnership interest, § 4:42

contractor's agreement and consent, § 4:66

leases and rents, assignment of, § 4:40

subordination of management agreement, § 4:41

FORMS—Cont'd

Assumption

letter to lender requesting assumption information, § 3:74

non-recourse loan, loan assumption agreement for, § 4:51

Attorney's affidavit to support release of execution, § 2:17

Attornment, combined tenant estoppel and subordination, non-disturbance and attornment agreement, § 4:68

Boundary line agreement, § 1:29; 1:30

Broker's lien paragraph for owner's affidavit, § 3:46

By-laws, certification of, § 3:39

Call option clause for promissory note, § 4:48

Certificate of title, § 2:38; 2:39

Closing disclosure, § 3:89

Closings, generally, § 4:1 to 4:70

Commercial closings, generally, § 4:38 to 4:69

Consent

architect's agreement and consent, § 4:65

boundary line agreement, consent of lienholder to, § 1:30

contractor's agreement and consent, § 4:66

Construction loan agreement, § 4:64

Contractor's agreement and consent, § 4:66

Corporate resolutions, § 3:33 to 3:35

Debtor's affidavit to support release of execution discharged in bankruptcy, § 2:18

Deed to secure debt—commercial, § 4:39

Disbursement sheet, § 3:108

Divorce, excrow pending divorce, § 4:3

Driveway encroachment agreement, § 1:32

Due on sale provision, § 4:28; 4:44

Due process, waiver of, § 3:24

Encroachments

agreement, generally, § 1:31

FORMS—Cont'd

Encroachments—Cont'd
 driveway encroachment agree-
 ment, § 1:32

Escrow
 closing agreement, § 4:2
 divorce, escrow pending divorce,
 § 4:3
 improvements, escrow agreement
 for, § 4:61
 instruction, lender escrow instruc-
 tion letter, § 4:38
 letter, § 3:54
 pledged collateral control agree-
 ment (escrow reserve), § 4:63

Estoppel, combined tenant estoppel
 and subordination, non-distur-
 bance and attornment agree-
 ment, § 4:68

Exculpation clause for promissory
 note, § 4:46

Executors
 assent of executor to devise, § 4:18
 power, executor's deed under,
 § 4:16; 4:17
 public sale, executor's deed under,
 § 4:14
 quitclaim deed by executor and
 from all devisees, § 4:15

Financial status certificate, § 4:34

FNMA/FHLMC promissory note,
 § 4:30

FNMA/FHLMC uniform security
 deed, § 4:24

Gift, deed of gift, § 4:12; 4:13

Ground lessor's affidavit and agree-
 ment, § 4:70

Guaranty, § 4:49; 4:50

Guardian's deed, § 4:19; 4:20

Hazardous substances
 deed to secure debt, hazardous
 substances clause in, § 4:58
 lender, indemnity for, § 4:56
 purchaser, indemnity for, § 4:57

Improvements, escrow agreement for,
 § 4:61

Indemnity, hazardous substances cer-
 tificate
 lender, certificate and indemnity
 for, § 4:56

FORMS—Cont'd

Indemnity, hazardous substances cer-
 tificate—Cont'd
 purchaser, certificate and
 indemnity for, § 4:57

Instructions
 lender escrow instruction letter,
 § 4:38
 signatures and witnesses, instruc-
 tions for, § 3:30

Interest rate
 acknowledgment for interest rate
 increase, § 3:56
 LIBOR interest rate clause for
 promissory note, § 4:47

Interim waiver and release upon pay-
 ment, § 3:134

IRS, non-foreign status affidavit for
 loan transaction, § 4:59

Leasehold deed to secure debt, § 4:69

Letter of credit agreement, § 4:62

LIBOR interest rate clause for prom-
 issory note, § 4:47

Limited liability companies
 affidavit, § 4:55
 resolution, § 3:41

Lis pendens, cancellation of, § 3:118

Loan estimate, § 3:87

Merger agreement, § 4:26

Modification agreement, § 4:27

Money market account, pledged col-
 lateral control agreement, § 4:63

Name of corporation, affidavit,
 § 3:38

Non-disturbance, combined tenant
 estoppel and subordination, non-
 disturbance and attornment
 agreement, § 4:68

Non-foreign status
 affidavit for loan transaction,
 § 4:59
 certification of non-foreign status,
 § 4:60

Nonpayment, affidavit of, § 3:136

Non-recourse loan, loan assumption
 agreement for, § 4:51

Non-resident seller's affidavit,
 § 3:130

Occupancy certificate, § 4:33

INDEX

FORMS—Cont'd

- Owner's affidavit
 - broker's lien paragraph for owner's affidavit, § 3:46
 - commercial closings, § 4:53
 - residential closings, § 4:35 to 4:37
 - resident seller's paragraph to be added to owner's affidavit, § 3:129
- Partnerships
 - affidavit, § 4:54
 - collateral assignment of partnership interest, § 4:42
- Payment, affidavit of, § 3:137
- Payoff, letter to lender requesting, § 3:72
- Pledged collateral control agreement, § 4:63
- Preliminary certificate of title, § 2:38
- Preliminary notice of lien, cancellation of, § 3:119; 3:120
- Promissory note
 - generally, § 4:45
 - call option clause for promissory note, § 4:48
 - exculpation clause for promissory note, § 4:46
 - LIBOR interest rate clause for promissory note, § 4:47
- Public sale, executor's deed under, § 4:14
- Quitclaim deed
 - generally, § 4:10; 4:11
 - executor, quitclaim deed by executor and from all devisees, § 4:15
- Reaffirmation of obligations, § 4:52
- Release of deed to secure debt, attorney's affidavit to, § 3:116
- Release of execution
 - attorney's affidavit to support, § 2:17
 - debtor's affidavit to support, § 2:18
- Rental achievement, § 4:62
- Repayment terms, § 4:31
- Rescission, § 3:92 to 3:95; 3:92 to 3:96

FORMS—Cont'd

- Residential closings, generally, § 4:2 to 4:36
- Resident seller's paragraph to be added to owner's affidavit, § 3:129
- Security deed
 - cancellation of, § 3:117
 - FNMA/FHLMC uniform security deed, § 4:24
 - transfer of security deed, § 4:25
- Shareholders of corporation, affidavit identifying, § 3:37
- Signatures and witnesses, instructions for, § 3:30
- Statement, closing statement, § 3:103; 3:104; 3:106; 3:107
- Subordination
 - agreement, § 4:43
 - combined tenant estoppel and subordination, non-disturbance and attornment agreement, § 4:68
- Survey review checklist, § 3:14
- Survivorship deed
 - generally, § 4:6
 - entire property owned by one party alone and in fee, § 4:7
 - third party conveying to two parties at interest, § 4:8
- Tax, non-foreign status affidavit for loan transaction, § 4:59
- Tenant certificate and agreement, § 4:67
- Title
 - abstract, § 2:7
 - attorney's affidavit to support release of execution, § 2:17
 - certificate of title, § 2:38; 2:39
 - debtor's affidavit to support release of execution discharged in bankruptcy, § 2:18
 - objections, letter to seller regarding, § 3:19
 - order, § 3:16
 - preliminary certificate of title, § 2:38
- Transfer-on-death deed, § 4:9

FORMS—Cont’d

- Trust deed, § 4:21; 4:22
- Unconditional waiver and release upon final payment, § 3:135
- Waiver
 - borrower’s rights, § 4:29
 - due process, § 3:24
 - interim waiver and release upon payment, § 3:134
 - tax and insurance escrows, § 3:53
- Warranty deed, § 4:5
- Wire transfer funds, letter receipt of, § 3:109
- “Wrap around” security instrument, provision in note secured by, § 4:32

FRAUD

- Closings, Georgia Residential Mortgage Fraud Act, § 3:100
- Closings, wire transfer fraud, § 3:113

**FUTURE ADVANCE
ENDORSEMENT**

- Closings, § 3:149

GEORGIA FAIR LENDING ACT

- Closings, § 3:99

**GEORGIA RESIDENTIAL
MORTGAGE FRAUD ACT**

- Closings, § 3:100

GIFT

- Deed of gift, form, § 4:12; 4:13

GRANTEE INDEX

- Title examinations, § 2:13

GRANTOR INDEX

- Title examinations, § 2:14

**GROUND LESSOR’S AFFIDAVIT
AND AGREEMENT**

- Form, § 4:70

GUARANTY

- Form, § 4:49; 4:50

GUARDIAN’S DEED

- Form, § 4:19; 4:20

HAZARD INSURANCE

- Closings, § 3:50

HAZARDOUS SUBSTANCES

- Deed to secure debt, hazardous substances clause in, § 4:58
- Lender, indemnity for, § 4:56
- Purchaser, indemnity for, § 4:57

**HOME OWNERSHIP AND EQUITY
PROTECTION ACT (HOEPA)**

- Closings, § 3:90

HUD-1 AND HUD-1A FORMS

- Closings, § 3:81

**IMPLIED EASEMENT OR
DEDICATION**

- Title examinations, § 2:34

IMPROVEMENTS

- Escrow agreement for, form, § 4:61

**INCORPORATION BY
REFERENCE**

- Security deeds, § 2:36

INDEMNITY

- Hazardous substances certificate lender, certificate and indemnity for, § 4:56
- purchaser, certificate and indemnity for, § 4:57

INITIAL INFORMATION

- Closings, § 3:5

INSPECTION

- Three-day inspection right, § 3:80

INSTRUCTIONS

- Lender escrow instruction letter, § 4:38
- Signatures and witnesses, instructions for, § 3:30

INSURANCE

- Closings, this index

INTANGIBLE TAX

- Closings, this index

INTEREST RATE

- Acknowledgment for interest rate increase, § 3:56
- LIBOR interest rate clause for promissory note, § 4:47

INDEX

INTEREST RATE—Cont'd

Usury endorsement, § 3:147

INTERIM WAIVER AND RELEASE UPON PAYMENT

Form, § 3:134

INTERNET

Title examinations, § 2:40

INTERPRETATION

Construction and Interpretation, this
index

INVESTIGATIONS

Environmental, § 3:132

IOLTA ACCOUNTS

Closings, § 3:4

JUDGMENTS

General Execution Docket (GED),
§ 2:16

Prior owner, judgment against, § 2:32

KICKBACKS

Closings, § 3:78

Real Estate Settlement Procedures
Act, § 3:78

LAW SUITS

Title examinations, § 2:22; 2:24

LEASEHOLD DEED TO SECURE DEBT

Form, § 4:69

LEGAL DESCRIPTIONS

Generally, § 1:1 to 1:33

Angles, § 1:8

Arcs, § 1:18

Bearings, § 1:7

Beginning points, § 1:5

Block, § 1:3

Boundary line agreement, § 1:29;
1:30

Boundary line disputes, § 1:28

Bounds, § 1:4

Chords, § 1:18

Closure, § 1:12

Consent of lienholder to boundary
line agreement, § 1:30

Corrective deeds, § 1:33

LEGAL DESCRIPTIONS—Cont'd

County, § 1:15

Courses, § 1:6 to 1:8; 1:11

Curved corners, § 1:22

Distances, § 1:9; 1:11

Districts, § 1:2; 1:15

Driveway encroachment agreement,
§ 1:32

Encroachments

generally, § 1:27

encroachment agreement, § 1:31;
1:32

Errors

prior recorded deeds, § 1:33

security deeds and liens, erroneous
legal descriptions in, § 1:26

“Exhibit A” legals, § 1:25

Fences, § 1:23

“Following the meanderings
thereof,” § 1:20

“Follow the curvature thereof,”
§ 1:20

Forms

boundary line agreement, § 1:29;
1:30

consent of lienholder to boundary
line agreement, § 1:30

driveway encroachment agree-
ment, § 1:32

encroachment agreement, § 1:31;
1:32

Georgia land system, generally, § 1:2

“Less and except” clauses, § 1:17

“Long” legal descriptions, § 1:4

Lots, § 1:2; 1:3; 1:15

Metes and bounds, § 1:4

Mistakes. Errors, above

Monuments, § 1:13

“More or less” calls, § 1:10

Omitted courses and distances, § 1:11

Prior recorded deeds, errors in,
§ 1:33

Quantity of land, § 1:24

Reference to survey in legal descrip-
tion, § 1:21

“Short” legal descriptions, § 1:3

Sides, § 1:14

Street address, § 1:16

LEGAL DESCRIPTIONS—Cont'd

Survey, reference to survey in legal description, § 1:21
 Traverse lines, § 1:19
 Walls, § 1:23

LENDER'S CHARGES

Closings, § 3:57

LENDER'S PACKAGE

Closings, § 3:114

"LESS AND EXCEPT" CLAUSES

Legal descriptions, § 1:17

**LETTER OF CREDIT
 AGREEMENT**

Form, § 4:62

LIBOR INTEREST RATE CLAUSE

Promissory note, form, § 4:47

LICENSE

Conversion to easement, § 2:34

**LIMITED LIABILITY
 COMPANIES**

Affidavit, § 4:55
 Resolution, § 3:41

LIS PENDENS

Closings, § 3:118
 Title examinations, § 2:22

"LONG" LEGAL DESCRIPTIONS

Generally, § 1:4

LOTS

Legal descriptions, § 1:2; 1:3; 1:15

MANUFACTURED HOMES

Title examinations, § 2:41

MEANDERINGS

Legal descriptions, § 1:20

**MECHANICS' AND
 MATERIALMEN'S LIENS**

Closings, waiver of lien, § 3:133
 Title examinations, § 2:19; 2:33

MERGER AGREEMENT

Form, § 4:26

METES AND BOUNDS

Legal descriptions, § 1:4

MOBILE HOMES

Abandoned Mobile Home Act, § 2:42

MODIFICATION

Agreement, form, § 4:27
 Restrictive covenants, § 2:35

MONEY MARKET ACCOUNT

Pledged collateral control agreement, form, § 4:63

MONTHLY PAYMENT

Closings, computing borrower's payment, § 3:55

MONUMENTS

Legal descriptions, § 1:13

"MORE OR LESS" CALLS

Legal descriptions, § 1:10

**MORTGAGE GUARANTEE
 INSURANCE**

Closings, § 3:66

MOTOR VEHICLE BONDS

Title examinations, § 2:23

NAME OF CORPORATION

Affidavit, § 3:38

NON-FOREIGN STATUS

Affidavit for loan transaction, § 4:59
 Certification of non-foreign status, § 4:60

NONPAYMENT

Affidavit of, form, § 3:136

NON-RECOURSE LOAN

Loan assumption agreement for, § 4:51

**NON-RESIDENT SELLER'S
 AFFIDAVIT**

Form, § 3:130

NOTARIES

Closings, § 3:25; 3:101

NOTICE

Easement, § 2:34
 Lien rights, preliminary, § 2:19

INDEX

NOTICE—Cont'd

Right of rescission, closings, § 3:92

Title insurance company, § 3:20

OCCUPANCY CERTIFICATE

Form, § 4:33

OMITTED COURSES AND DISTANCES

Legal descriptions, § 1:11

ORAL AGREEMENTS

Title insurance, § 3:20

OWNER'S AFFIDAVIT

Broker's lien paragraph for owner's
affidavit, § 3:46

Commercial closings, § 4:53

Residential closings, § 4:35 to 4:37

Resident seller's paragraph to be
added to owner's affidavit,
§ 3:129

PARALEGALS

Supervision of, § 3:7

PARTIES

Closings, § 3:6; 3:7

PARTNERSHIPS

Affidavit, § 4:54

Collateral assignment of partnership
interest, § 4:42

PAYMENT

Affidavit of, form, § 3:137

PAYOFF

Closings, § 3:71; 3:72

Letter to lender requesting, § 3:72

PERIOD OF EXAMINATION

Title examinations, § 2:5

PESTS

Termite reports, § 3:75

PLAT INDEX

Title examinations, § 2:12

PLEDGED COLLATERAL CONTROL AGREEMENT

Form, § 4:63

POWER OF ATTORNEY

Closings, § 3:25; 3:27

Deeds, § 3:25

PRELIMINARY CERTIFICATE OF TITLE

Form, § 2:38

PRELIMINARY NOTICE OF LIEN

Closings, § 3:119; 3:120

Title examinations, § 2:19

PREPAID INTEREST

Closings, § 3:51; 3:52

PREVIOUS TITLE EXAMINERS

Communications with, § 2:9

PRIOR RECORDED DEEDS

Errors in, § 1:33

PRIVATE WAY

Title examinations, § 2:34

PROBATE COURT RECORDS

Title examinations, § 2:30

PROMISSORY NOTES

Generally, § 3:31; 4:45

Call option clause for promissory
note, § 4:48

Exculpation clause for promissory
note, § 4:46

LIBOR interest rate clause for prom-
issory note, § 4:47

PROTECTIVE COVENANTS AND RESTRICTIONS

Title examinations, § 2:35

PROTEST

Closings, intangible tax protest,
§ 3:61

PURCHASE PRICE

Closings, § 3:42

QUANTITY OF LAND

Legal descriptions, § 1:24

QUASI-EASEMENTS

Title examinations, § 2:34

QUITCLAIM DEEDS

Generally, § 3:123; 3:124; 4:10; 4:11

QUITCLAIM DEEDS—Cont'd

Executor, quitclaim deed by executor
and from all devisees, § 4:15
Title examinations, § 2:5

**REAFFIRMATION OF
OBLIGATIONS**

Form, § 4:52

REAL ESTATE COMMISSIONS

Closings, § 3:44

**REAL ESTATE SETTLEMENT
PROCEDURES ACT (RESPA)**

Generally, § 3:76 to 3:80
Controlled business arrangements,
§ 3:78
HUD-1 and HUD-1A forms, § 3:81
Inspection, three-day inspection right,
§ 3:80
Integrated mortgage disclosures,
§ 3:85 to 3:88
Prohibited fees and kickbacks, § 3:78
Responsibilities of title examiner and
closing attorney, § 3:77
Title companies, § 3:79

RECORDING REQUIREMENTS

Closings, § 3:26

RECORDINGS

Closings, this index

RECORD ROOM

Title examinations, § 2:8

**REFORMATION OF
INSTRUMENTS**

Deeds, § 3:22

REFUNDS

Closings, intangible tax claim for
refund, § 3:62

REG X

Real Estate Settlement Procedures
Act (RESPA), this index

REG Z

Truth in Lending and Reg Z, this
index

**RELEASE OF DEED TO SECURE
DEBT**

Closings, § 3:116; 3:121; 3:122

RELEASE OF EXECUTION

Attorney's affidavit to support, form,
§ 2:17
Debtor's affidavit to support, form,
§ 2:18

RELIGIOUS LAND TRUST

Deeds, § 3:22

RELOCATION

Right to relocate, § 2:34

RENEWAL

Restrictive covenants, § 2:35

RENTAL ACHIEVEMENT

Form, § 4:62

REPAYMENT TERMS

Form, § 4:31

REPORTS

Closings, review of the title report,
§ 3:17

RESCISSION MODEL FORM

H-9, refinancing with original credi-
tor, § 3:94

RESCISSION RIGHT

Closings, § 3:91 to 3:96

SECURITY DEEDS

Cancellation of, generally, § 3:117
Execution and attestation, § 3:25
FNMA/FHLMC uniform security
deed, § 4:24
Partial release provisions, § 3:121;
3:122
Quitclaim deed cancelling or releas-
ing, § 3:123; 3:124
Title examinations, § 2:36
Transfer of security deed, § 4:25

SELF-FILER NOTARIZATION

Closings, § 3:26

SETTLEMENT AGREEMENTS

Closings, § 3:151

INDEX

SETTLEMENT STATEMENTS

Closings, § 3:105

SHAREHOLDERS OF CORPORATION

Affidavit identifying, § 3:37

Closings, § 3:37

“SHED”

Covenants, § 2:35

“SHORT” LEGAL DESCRIPTIONS

Generally, § 1:3

SHORT SALES

Closings, § 3:9

SIDES

Legal descriptions, § 1:14

SIGNATURES

Closings, this index

Instructions for, § 3:30

Security deeds, § 2:36

SLANDER OF TITLE

Generally, § 3:45

SOCIAL SECURITY NUMBER

Unauthorized display of, § 3:7

SPECIAL ASSESSMENTS

Closings, § 3:48

STATE DEED TAX

Closings, § 3:58

STATE TAX LIENS

Title examinations, § 2:21

STREET ADDRESS

Legal descriptions, § 1:16

SUBORDINATION

Agreement, § 4:43

Combined tenant estoppel and subordination, non-disturbance and attornment agreement, § 4:68

SUCCESSORS

Title examination, § 2:35

SURVEY

Certificate, surveyor's certificate, § 3:12

SURVEY—Cont'd

Cost, closings, § 3:64

Endorsement, closings, § 3:144

Reference to survey in legal description, § 1:21

Review checklist, § 3:14

Standards, closings, § 3:11

SURVIVAL OF CONTRACT

Closings, § 3:68

SURVIVORSHIP DEED

Generally, § 4:6

Entire property owned by one party alone and in fee, § 4:7

Third party conveying to two parties at interest, § 4:8

TAXES

Generally, § 2:31

Closings, this index

Delinquent tax docket, § 2:25

Endorsement, tax parcel endorsement, § 3:150

Federal tax liens, § 2:20

Non-foreign status affidavit for loan transaction, § 4:59

State tax liens, § 2:21

TENANT CERTIFICATE AND AGREEMENT

Form, § 4:67

TERMITE REPORTS

Closings, § 3:75

TITLE COMPANIES

Real Estate Settlement Procedures Act, § 3:79

TITLE EXAMINATIONS

Generally, § 2:1 to 2:43

Abandoned Mobile Home Act, § 2:42

Abstracts

generally, § 2:6

form, § 2:7

Assumed facts for illustration purposes, § 2:11

Attachments, § 2:26

Attorney's affidavit to support release of execution, § 2:17

TITLE EXAMINATIONS—Cont'd

Certificate of title
 generally, § 2:39
 preliminary certificate of title,
 § 2:38
 Closings, § 3:15
 Contract, § 2:2
 Covenants and restrictions, § 2:35
 Debtor's affidavit to support release
 of execution discharged in bank-
 ruptcy, § 2:18
 Delinquent tax docket, § 2:25
 Dockets
 generally, § 2:15
 delinquent tax docket, § 2:25
 Easements, § 2:34
 False liens, § 2:43
 Federal tax liens, § 2:20
 Financing statements, § 2:28
 Forms, this index
 Grantee index, § 2:13
 Grantor index, § 2:14
 Internet, § 2:40
 Judgments
 General Execution Docket (GED),
 § 2:16
 prior owner, judgment against,
 § 2:32
 Lien rights, preliminary notice of,
 § 2:19
 Lis pendens, § 2:22
 Manufactured homes, § 2:41
 Mechanics' and materialmen's liens,
 § 2:19; 2:33
 Motor vehicle bonds, § 2:23
 Notice of lien rights, preliminary,
 § 2:19
 Other assessments, § 2:27
 Period of examination, § 2:5
 Plat index, § 2:12
 Preliminary certificate of title, § 2:38
 Preliminary notice of lien rights,
 § 2:19
 Previous title examiners, communica-
 tions with, § 2:9
 Probate court records, § 2:30
 Protective covenants and restrictions,
 § 2:35

TITLE EXAMINATIONS—Cont'd

Purpose of title examinations, § 2:4
 Record room, § 2:8
 Release of execution
 attorney's affidavit to support,
 § 2:17
 debtor's affidavit to support,
 § 2:18
 Security deeds, § 2:36
 State Bar of Georgia Title Standards,
 § 2:3
 State tax liens, § 2:21
 Suits, § 2:22; 2:24
 Taxes
 generally, § 2:31
 delinquent tax docket, § 2:25
 federal tax liens, § 2:20
 state tax liens, § 2:21
 Title order, § 2:10
 Transfer-on-death deeds, § 2:37
 Types of examinations, § 2:5
 UCC financing statements, § 2:28
 Utility bills, § 2:29
 Water bills, § 2:29

TITLE EXAMINER

Real Estate Settlement Procedures
 Act, responsibilities of title
 examiner, § 3:77
 Truth in Lending Simplification and
 Reform Act, responsibilities of
 title examiner, § 3:83

TITLE INSURANCE

Closings, § 3:20; 3:126; 3:141

TITLE OBJECTIONS

Closings, § 3:19

TITLE ORDER

Generally, § 2:10
 Closings, § 3:16

TRANSFER-ON-DEATH DEEDS

Residential forms, § 4:9
 Title examinations, § 2:37

TRAVERSE LINES

Legal descriptions, § 1:19

TRUST DEED

Form, § 4:21; 4:22

INDEX

TRUTH IN LENDING AND REG Z

- Generally, § 3:82 et seq.
- Form, receipt and timing of disclosure, § 3:84
- Integrated mortgage disclosures, § 3:85 to 3:88
- Rescission right, § 3:91 to 3:95
- Responsibilities of title examiner and closing attorney, § 3:83

UCC FINANCING STATEMENTS

- Title examinations, § 2:28

UNAUTHORIZED PRACTICE OF LAW

- Closings, § 3:7

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

- Closings, § 3:29

USURY ENDORSEMENT

- Closings, § 3:147

UTILITY ACCESS ENDORSEMENT

- Closings, § 3:148

UTILITY BILLS

- Title examinations, § 2:29

VA LOANS

- Closings, § 3:110

WAIVER

- Borrower's rights, § 4:29
- Closings, this index

WAIVER—Cont'd

- Covenants, § 2:35
- Due process, § 3:24
- Interim waiver and release upon payment, § 3:134
- Tax and insurance escrows, § 3:53

WALLS

- Legal descriptions, § 1:23

WARRANTY DEED

- Form, § 4:5
- Title examinations, § 2:5

WATER BILLS

- Closings, § 3:49
- Title examinations, § 2:29

WIRE TRANSFER FUNDS

- Closings, wire transfer fraud, § 3:113
- Letter receipt of, § 3:109

WITHHOLDING TAX ON SALE OR TRANSFER OF REAL PROPERTY

- Closings, § 3:128

WITNESSES

- Closings, § 3:30

“WRAP AROUND” SECURITY INSTRUMENT

- Provision in note secured by, § 4:32

ZONING

- Closings, § 3:140; 3:142