



# County Technical Assistance Service

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## Register of Deeds Records

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The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

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## Register of Deeds Records

Reference Number: CTAS-2059

**Register of Deeds Records.** The records included in this schedule are only those specific to the office of the county register of deeds. Records that may be kept in the same format by several county offices (such as employment records, purchasing records, etc.) will be found listed under topical retention schedules in this manual. Included in this table is a listing of “obsolete” records. Your office should no longer be generating these records. They are still included in the disposition schedule so that anyone discovering those materials in older records of the office will know how to deal with them. To a certain extent, the records kept by county offices vary from county to county in either the format of record kept, the name given to the record, or the frequency of its occurrence. The fact that a certain record is listed in this schedule does not necessarily indicate that you should have it in your office. It may be a format for record-keeping that was never utilized in your county, or you may keep the record under a different name. If you have records in your office that are not listed in this schedule by name, check the descriptions of the records to see if we may have called it by a different term. If you still cannot locate any entry relative to the record, contact us at the County Technical Assistance Service for guidance in determining the proper disposition of the record and so that we can make note of that record’s existence to include it in future revisions of this manual.

Retention Schedule for Register of Deeds		
Description of Record	Retention Period	Legal Authority/Rationale
<b>11-001 Affidavit Releases</b> —Recorded affidavits effecting the release of notes or other instruments which cannot be produced by the holder thereof, showing name of owner or holder of instrument, nature of instrument, extent of release, reason why instrument cannot be produced, names of affiant and official acknowledging affidavit, and register’s certificate of registration.	Keep recorded copy permanently. Additional copies are merely working papers and may be destroyed when no longer needed in accordance with rules of the Public Records Commission.	T.C.A. § 66-25-207. T.C.A. § 10-7-406(b). Note: after 1990 these procedures only apply to Warren County by narrow population class.
<b>11-002 Articles of Association</b> —Articles filed with the register of deeds office evidencing the conversion of a partnership to a limited liability partnership. Originals are filed with the secretary of state.	Permanent record.	Provides local source for vital partnership records (T.C.A. § 48-204-101).
<b>11-003 Articles of Conversion</b> —Articles filed with the register of deeds office evidencing the conversion of a partnership to a limited liability company or partnership. Originals are filed with the secretary of state.	Permanent record.	Provides local source for vital partnership records (T.C.A. § 48-204-101).
<b>11-004 Bills of Sale (May be recorded in deed books)</b> —A record of items and land sold and purchased giving names of parties, description of property sold, and terms of sale.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(1). This record affects land title.
<b>11-005 Bonds of County Officials, Register of</b>	Permanent record.	T.C.A. § 8-19-102.
<b>11-006 Bond to Discharge Lien</b> — Original bond, or copy of bond, filed by land owner to discharge lien and clear land titles from mechanics and materialmans liens.	Permanent record.	T.C.A. § 66-11-142 Record has affect on land title.

<b>Retention Schedule for Register of Deeds</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
<b>11-007 Certificate of Limited Partnership</b> —Document filed to evidence creation of limited partnership. Similar to articles of incorporation. Also filed with Secretary of State.	Permanent record.	Provides local source for vital limited partnership records.
<b>11-008 Certificate of Merger</b> —Document filed to evidence merger of partnerships. Also filed with secretary of state.	Permanent record.	Provides local source for vital partnership records. T.C.A. § 61-2-211.
<b>11-009 Charters, Record of</b> —Recorded copies of incorporation charters granted by the state showing names of incorporators, name of corporation, location, nature of business, amount of capital stock, power and limitations of charter, date executed, acknowledgment before notary public, date recorded, register's certificate of recordation, and certification of Secretary of State that charter has been granted. These charters have been filed with the register of deeds and the secretary of state since 1929.	Permanent record.	Provides local source for vital corporate records, both profit and non-profit.
<b>11-010 Contracts (Personal Property)</b> —Recorded contracts showing names of contracting parties, amount of consideration, terms of agreement, and register's certificate of registration.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(1).
<b>11-011 Deed Indexes, Direct and Indirect</b>	Permanent record.	Necessary for use of other records.
<b>11-012 Deeds, Record of</b> —Recorded copies of absolute conveyances of real property, showing names of grantor and grantee, date of instrument, location and description of property, consideration, terms of payments, acknowledgment before notary public, and the register's certificate of recordation.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(4). Kept permanently pursuant to T.C.A. § 8-13-108(a)(4).
<b>11-013 Deeds of Trust, Record of</b> —Deeds conveying title to real estate to secure performance of contract with power to sell in case of default, showing names of parties, terms of contract, location, description, and valuation of property.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(8). Kept permanently pursuant to T.C.A. § 8-13-108(a)(4).
<b>11-014 Dormant Mineral Interest Book</b> —Includes declarations of interest and statements of claim. Declarations of mineral interests are instruments transferring by grant, assignment, or reservation or otherwise, an interest of any kind in coal, oil, gas and other minerals. Statements of claim are documents or instruments filed by the owner of an interest to make claim to that interest.	Permanent record.	T.C.A. § 66-5-108. Affects property rights not only for leases, but transfers of mineral interests. Preservation of some of these records are necessary for preserving mineral rights.

<b>Retention Schedule for Register of Deeds</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
<b>11-015 Farm Names, Register of</b>	Permanent record.	This is an historical record. Maintain it if it is present in the office.
<b>11-016 Greenbelt Applications</b> —Applications for special tax treatment afforded certain agricultural, forest and open space land which have been approved by the assessor of property or county or state boards of equalization.	Permanent record.	T.C.A. § 67-5-1008. Can have long term implications regarding roll-back taxes. Keep since there is no way to know when it has been re-certified.
<b>11-017 Greenbelt Certifications of Agricultural Use</b> —Certifications by owner that property will produce a certain level of gross agricultural income.	Retain for seven years, then destroy.	T.C.A. § 67-5-1005. Re-certification necessary at least every 6 years.
<b>11-018 Judgment Enrollment Records</b> —Recorded copies of abstracts of judgments, bills, and attachments from court cases involving real estate. Judgments show names of plaintiff and defendant, case number, name of court, date and amount of judgment, and date of registration. Bills show names of plaintiff and defendant, date of filing, name of court, date of levy, description of property, case number, and date recorded. Attachments show date registered, names of plaintiff and defendant, name of court, case number, date attachment issued, date of levy, and description of property.	Permanent record.	Could affect land title and property rights.
<b>11-019 Land Entries</b> —Initial applications for public land.	Permanent record.	Keep for historical purposes.
<b>11-020 Land Grants</b> —Recorded copies of absolute conveyances of real property from public to private ownership, showing names of grantor and grantee, date of instrument, location and description of property, consideration, terms of payment, and certificate of recordation.	Permanent record.	Keep for historical purposes.
<b>11-021 Land Sold for Taxes, Record of</b> —Record of court land sales, showing name of the court, style of case, location and description of property, by what process land was sold, and date of sale.	Permanent record.	Record affects land title.
<b>11-022 Leases</b> —Copies of leases or rental contracts on real estate filed for recording, showing names of lessor and lessee, description of property, terms of the contract, date of execution, and signatures of parties involved.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(15). Difficult to separate from other permanent records.
<b>11-023 Liens, Mechanic</b> —Notices of lawsuits to be filed in one year from date.	Permanent record.	Impractical to ascertain expiration of lien to know

<b>Retention Schedule for Register of Deeds</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
		when record could be destroyed.
<b>11-024 Liens, Mechanic and Materialmans—</b> Contract wherein lien is established in writing providing notice of existence of such a lien. Writing sets forth contract price and describes the real estate to be affected with reasonable certainty. In lieu of registration of contract, lienor may file a sworn statement. Pre-dates notices of completion that were not discharged.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
<b>11-025 Liens, Notice of Lawsuit—</b> Notices of lawsuits to be filed to enforce liens.	Permanent record.	T.C.A. § 66-21-201 authorizes recording.
<b>11-026 Liens, Tax—</b> Record of tax lien notices filed against property owners, including violators of the internal revenue law, showing name and address of property owner, date of filing, amount of assessment and penalty, and discharge notice date.	Permanent record.	Impractical to ascertain expiration of lien to know when record could be destroyed.
<b>11-027 Maps and Map Books—</b> County and civil district maps as well as single parcel maps (not part of subdivision).	Permanent record.	Keep for historical purposes.
<b>11-028 Military Discharges, Record of—</b> Recorded copies of discharges from military service, showing name of veteran, date of discharge, reason for discharge, place of birth, age and occupation at time of enlistment, commanding officer's oath, physical description, enlistment record, and register's certificate of registration. DD2-14.	Permanent record unless a proper petition to remove is filed. This is voluntary for the individual to record, but it is recommended. Also available through the VA, but easier to get locally.	Eligible for recordation under T.C.A. § 66-24-101(20). May be removed or redacted pursuant to T.C.A. § 10-7-513 Important historical record.
<b>11-029 Mortgages, Real Estate, Index to</b>	Permanent record.	Necessary for use of recorded documents.
<b>11-030 Mortgages, Real Estate, Record of (Trust Deeds)—</b> Recorded copies of conditional conveyances of real property, showing names of grantor and grantee, dates instrument executed and recorded, location and description of property, consideration, terms of payment, provisions in case of non-payment, acknowledgment before notary public, and register's certificate of recordation.	Permanent record.	Eligible for recordation under T.C.A. § 66-24-101(8). Keep permanently pursuant to T.C.A. § 8-13-108(a)(4).
<b>11-031 Notebooks—</b> Register's record of instruments received for recording in his or her office, showing date and hour of reception, names of grantor and grantee, name of county, number of acres, and fees received.	Permanent record.	T.C.A. § 8-13-108(a)(3).

Retention Schedule for Register of Deeds		
Description of Record	Retention Period	Legal Authority/Rationale
<p><b>11-032 Notice and Terminations of Lis Pendens</b>— An abstract of filing a lien lis pendens on real estate, certified by the clerk, containing the names of the parties to such suit, a description of the real estate affected, its ownership, and a brief statement of the nature and amount of the lien sought to be fixed. Termination orders or notices of termination should also be noted or recorded in the lien book.</p>	<p>Keep five years after termination of lien, then destroy if kept in a format that allows destruction.</p>	<p>T.C.A. § 20-3-101 and following.</p>
<p><b>11-033 Notice of Completion</b>—Notice filed by owner or purchaser or contractor of improved real property that the improvement is complete. Notice contains the name of the owner of the land, name of contractor, location and description of the property, the date of completion of the structure improvement or demolition, a statement that a settlement of claims of parties entitled to benefits will take place after ten days, name and address of party to whom notice of claims may be sent, and acknowledgment by the person filing the notice, or by his agent or attorney.</p>	<p>If maintained in a separate book and all records within the books are at least 10 years old, then records are eligible for destruction.</p>	<p>T.C.A. § 66-11-205. Affects property rights regarding improvements.</p>
<p><b>11-034 Oil and Gas Leases</b>—Recorded copies of leases on mineral resources, showing names of lessor and lessee, consideration, location and description of property, terms of the agreement, acknowledgment before a notary public, and the register's certificate of recordation.</p>	<p>Essentially a permanent record.</p>	<p>T.C.A. § 66-24-101. Leases were often for extremely long periods of time (e.g. 99 years or longer).</p>
<p><b>11-035 Options to Purchase Land</b>—Recorded copies of purchase options showing amount of consideration, parties to the contract, period of time for which option is extended, terms of agreement, description of property, date instrument executed, and register's certificate of registration.</p>	<p>Retain five years after the option or the last extension has expired, then destroy.</p>	<p>Retention based on useful life of contract.</p>
<p><b>11-036 Plats, Plat Books, and Indexes</b>—Drawings and blueprints of farms, subdivisions, plants, and electric lines, showing name of subject, date drawn, boundaries, scale used, location, name of engineer making survey, name of draftsman, and register's certificate of registration.</p>	<p>Permanent record.</p>	<p>Eligible for recordation (T.C.A. §§ 13-3-402, 13-4-302, 66-24-116).</p>
<p><b>11-037 Powers of Attorney, Record of</b>—A record of appointment or authorization for another party to act in an individual's behalf.</p>	<p>Permanent record.</p>	<p>Record has long term significance for the parties.</p>
<p><b>11-038 Releases of Mortgages, Liens and Deeds of Trust on land, Record of</b>— Record of releases made as notes are paid, showing names of parties, dates, amount of fee, and</p>	<p>Permanent record.</p>	<p>Record affects land title.</p>

<b>Retention Schedule for Register of Deeds</b>		
<b>Description of Record</b>	<b>Retention Period</b>	<b>Legal Authority/Rationale</b>
book and page number where original instrument is recorded. These are non-U.C.C. documents.		
<b>11-039 Reports of Register to County Mayor and/or County Commission</b> —Reports containing data on revenue received, expenditures, work performed, plans, personnel, etc.	Retain five years after creation of document, then destroy. Should be read into minutes of county commission and made a permanent record there.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
<b>11-040 Reports of State Transfer and Mortgage Taxes to Dept. of Revenue</b> —Monthly report of Register detailing state mortgage and transfer taxes.	Retain five years, then destroy.	Keep for audit purposes (T.C.A. § 10-7-404(a)).
<b>11-041 Surveyor’s Books</b> —Survey showing civil district in which property is located surveyor’s description, date survey made, and name of surveyor.	Permanent record.	Establishes parcel boundaries. Important document for property owners. T.C.A. § 66-24-116.
<b>11-042 Underground Utilities, Notice of</b> —Notices filed by individuals, corporations or governments that operate underground utilities in the county, including a list of towns or cities where the facilities are located and the name, title, address and telephone number of the operator’s representative.	Permanent record.	T.C.A. § 65-31-105. Eligible for recordation.
<b>11-043 Uniform Commercial Code Instruments</b> — Financing statements, amendments, continuations, releases, terminations, etc.	If no termination is filed, retain for three years after maturity date of financing statement or continuation statement, whichever is later. If you have a microfilm of the financing state and a termination is filed, destroy other records upon receipt of termination statement; without microfilm, keep one year, then destroy.	T.C.A. § 47-9-404(2).
<b>11-044 U.C.C. Instruments, Index for</b>	Permanent record.	Necessary for access to U.C.C. filings.
<b>OBSOLETE RECORDS</b>		



Retention Schedule for Register of Deeds			
Description of Record	Retention Period	Legal Rationale	Authority/Rationale
<b>11-045 Bankruptcies, Record of</b> — Recorded copies of petitions in bankruptcy, decrees of adjudication of bankruptcy, and court orders approving trustee's bonds.	Retain 60 years, then destroy. Not usually filed in the Register's office any longer. Kept for probable lifetime of the debtor. Eligible for recordation under T.C.A. § 66-24-101(21).		
<b>11-046 Chattel Mortgage Indexes</b>	Obsolete record. See Chattel Mortgages, Record of, listed below for retention.		
<b>11-047 Chattel Mortgages, Record of</b> —Recorded copies of mortgages given to secure loans on personal property, showing names of mortgages and mortgagees, location and description of chattels, amount of consideration involved, course of action in case any part of agreement is broken, date instrument executed, acknowledgment before notary public, and register's certificate of registration. This record is basically obsolete. It is a pre-U.C.C. filing. Most records would be before early 1960s.	Obsolete record. Most likely this record is combined with trust deeds in a book, and kept together as a permanent record. Has much the same historical value as trust deeds. Whereas trust deeds recorded mortgages on real estate, chattel mortgages recorded liens on tools, equipment, livestock and other forms of personal property. Both kinds of instruments began with and are reflective of the onset of sharecropping tenancy following the Civil War. Even if kept separately from trust deeds, retain permanently for historical purposes.		
<b>11-048 Register's Dockets (Bills of Sales)</b> —Record of sales of slaves, land, and deeds of gift, showing date instrument executed, amount involved, description of the property, names of interested parties, power of attorney, date of filing, name of person to whom power is conveyed, conditions of the grant, and signature of person making the conveyance.	Permanent record, but no longer generated by the off. Obsolete. Has historical value. These records pre-date modern system of recordation. Can affect property rights.		
<b>11-049 Tobacco Loan Books</b> —A record of loans made on crops showing amount of money borrowed, crop acreage and location, due date, and notary statement.	Obsolete, now covered by the U.C.C. Previously destroyed ten years after last entry in book. Check for historical significance and destroy.		

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