

PREREQUISITES TO RECORDING DOCUMENTS:

(EXCEPT AS OTHERWISE PROVIDED BY STATUTE)

- Original documents or certified copies from courts or government agencies must be presented.
- On all written instruments, with the exception of a mortgage satisfaction, there must be **two witnesses** and also a **probate** or **acknowledgement statement**. State Statute 30-5-30 (EXCEPT AS OTHERWISE PROVIDED BY STATUTE)

PROBATE: The notary did not see the grantor sign the document but one of the witnesses made an oath before them that they witnessed the grantor (seller) sign the document.

ACKNOWLEDGEMENT: Notarized statement that the Notary saw the grantor(seller) sign the document. The notary may also be one of the witnesses.

- The instrument must be signed by the mortgagor, grantor, obligor, maker or assignor.
- All written instruments must be notarized with the date their commission expires.***
- All deeds and mortgages presented for recording shall include a derivation clause, (with the exception of a quitclaim or non-warranty deed) legal description of property and address of the grantee or mortgagee. State Statute 30-5-35
- Deeds must contain an Affidavit with the exception of a Quit Claim Deed (confirm title already invested), Deed of Distribution, etc., No charge for this page.
- Filing fees and if applicable, County and State Recording Fees, to be paid before recording.
- All plats from incorporated areas that have their own Planning/Zoning Dept. must have their prior approval before recording. Aynor and Garden City must have approval from Horry County Planning Dept. Family transfers are exempt from approval and are stamped as such. They still must file within 120 days and pay a recording fee. Plats must also have the surveyor's signature.

OUT OF STATE INSTRUMENTS:

Out of state instruments must conform to the recording requirements of this state.

1. Two witnesses
2. Probate or acknowledgement
3. Notarized
4. If an instrument has been recorded in a county in another state, a copy may be accepted for recording if it is certified a true copy and signed by that clerk of court.
5. A **notary** needs to state when their commission expires and state: Notary for the State of _____.

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Mortgage satisfaction: Submit the original mortgage stamped “Paid in Full” and the date on the face of the instrument. A person from the lending institution with their title must sign with ONE witness. **If the original is lost**, they need to file a “Lost Mortgage” document where the mortgagee must sign with **TWO witnesses**, notarized with an affidavit (Probate or Acknowledgment) that states the original mortgage has been lost and contain the book and page numbers where the original mortgage was filed and state that it has not been assigned.