

Notarized Affidavit – County Register of Deeds Instructions

The Notarized Affidavit – County Register of Deeds form may be used by public officials, as defined below, to contest the filing of a lien, encumbrance, or any other type of document that reasonably constitutes a cloud on the title of a real property interest, and which the public official believes has been filed against them without a reasonable basis or legal cause in a County Register of Deeds’ Office. This form will generally be the first step in the process of contesting and removing a fraudulent lien filed against a public official.

A blank Notarized Affidavit – County Register of Deeds may be obtained by going to sos.tn.gov and entering the form name in the search bar; or, by requesting the affidavit from the Secretary of State by emailing TNSOS.CORPINFO@tn.gov; or, by calling (615) 741-2286. In addition, a blank Notarized Affidavit – County Register of Deeds may be obtained in person at the Office of the Secretary of State located at 312 Rosa L. Parks Ave, FL3, Nashville, TN 37243.

The Notarized Affidavit – County Register of Deeds should be typed or hand printed in ink. Instructions for completing the affidavit are below.

A completed Notarized Affidavit – County Register of Deeds may be submitted for filing either by mail or by hand delivery to the County Register of Deeds in the county in which a fraudulent lien, encumbrance or any other document was filed.

Fill in the affidavit very carefully; mistakes may have important legal consequences. If you have questions, consult your attorney. The Office of the Secretary of State cannot give legal advice.

Completing the Affidavit

Public Official

Name: Enter the full legal name of the affiant. Include first name, middle initial and last name.

Mailing Address: Enter the full mailing address of the affiant. Include the street address, city, state and zip code.

Phone Number: Enter a phone number where the affiant can be reached. Include the area code.

Email Address: Enter an electronic mail address used by the affiant, if available.

Contested Document

Type of Document: Enter the type of document filed with the County Register of Deeds which is contested. This may be a lien, other encumbrance, or any other type of document that reasonably constitutes a cloud on the title of a real property interest.

This affidavit cannot be used to dispute liens, encumbrances or other documents if the owner or holder of the debt is any of the following:

- (1) A state or national bank or trust company insured by the federal deposit insurance corporation or an operating subsidiary of such a bank or trust company;
- (2) A state or federal credit union insured by the national credit union administration;
- (3) A residential mortgage lender or an industrial loan and thrift company licensed by the Tennessee department of financial institutions;
- (4) An entity regulated by the federal farm credit administration;
- (5) The federal housing administration (FHA);
- (6) A federal home loan bank;
- (7) The federal national mortgage association (FannieMae);
- (8) The federal home loan mortgage corporation (FreddieMac);
- (9) The federal agricultural mortgage corporation (FarmerMac);
- (10) The veterans administration (VA); or
- (11) Any lien, encumbrance, or other document that is filed with the register, where the mortgage electronic registration system is listed as the nominee for the originator, owner, or holder of the debt.

Office the Document Was Filed In: Enter the name of the Office in which the contested document was filed. For example, this may be the "Davidson County Register of Deeds".

Book and Page Number of the Document: Enter the book and page number of the document as filed with the county register of deeds. This information can be provided to you by the County Register of Deeds office in which the document was filed.

Attestation

County: Fill in with the county in which this document will be filed. This should be the same county in which the contested document was filed.

Check the Box: All three boxes must be checked for this affidavit to be filed.

- **First Box:** Check this box if you meet the definition of a public official as defined by Title 66, Chapter 21, Part 1.

T.C.A. § 66-21-123. "Public official" is an individual who is a current or retired elected or appointed government official, including a state, county, metropolitan, or municipal official; "Public official" is also an individual who is the head of a division or major unit or department within an agency or office of the executive, judicial, or legislative branch of state, county, metropolitan, or municipal government, regardless of the title of the position, and who, as a substantial part of the individual's duties, provides meaningful input on the development of policy goals or the implementation of policy. "Public official" is a high-ranking employee within the executive, judicial, or legislative branch of state, county, metropolitan, or municipal government who has a primary responsibility for one (1) or more of the following functions: Public information and legislative affairs; Fiscal, budget, and audit matters; Legal, security, or internal affairs; Information technology systems; and Human resources. "Public official" is a first responder, as

defined in T.C.A. § 29-34-203, or a law enforcement officer, as defined in T.C.A. § 39-11-106.

- **Second Box:** By checking this box, I attest that I believe based on my personal knowledge, that the document was filed without any reasonable basis or legal cause.

Explanation: Enter the detailed explanation that outlines the facts as to why the record lacks any reasonable basis or legal cause. If the explanation will not fit in the space provided, please attach a detailed explanation and write in the space “see attached”.

- **Third Box:** By checking this box, I attest that I am not filing the affidavit contesting any document held by any of the following:
 - (1) A state or national bank or trust company insured by the federal deposit insurance corporation or an operating subsidiary of such a bank or trust company;
 - (2) A state or federal credit union insured by the national credit union administration;
 - (3) A residential mortgage lender or an industrial loan and thrift company licensed by the Tennessee department of financial institutions;
 - (4) An entity regulated by the federal farm credit administration;
 - (5) The federal housing administration (FHA);
 - (6) A federal home loan bank;
 - (7) The federal national mortgage association (FannieMae);
 - (S) The federal home loan mortgage corporation (FreddieMac);
 - (9) The federal agricultural mortgage corporation (FarmerMac);
 - (10) The veterans administration (VA); or
 - (11) Any lien, encumbrance, or other document that is filed with the register, where the mortgage electronic registration system is listed as the nominee for the originator, owner, or holder of the debt.

Signatures

The Public Official MUST sign the affidavit before a Notary Public. The Notary Public must sign the affidavit, list their commission expiration date and affix their notary seal to the affidavit. Failure to notarize the affidavit will result in the affidavit being rejected.

Filing Fee

There is no filing fee required.

NOTARIZED AFFIDAVIT - COUNTY REGISTER OF DEEDS

For Office Use Only

This document must be filed in the County Register of Deeds office where the lien was filed. Please see the instructions to complete and submit this form.

No filing fee required

PUBLIC OFFICIAL

First: _____ MI: _____ Last: _____

Mailing Address: _____

City: _____ ST: _____ Zip: _____

Phone#: (_____) _____ Email: _____

CONTESTED DOCUMENT

Type of document: _____

Office document was filed in: _____

Book and Page number of the document: _____

ATTESTATION

State of Tennessee, County of _____ . Affiant makes oath as follows:

- By checking this box, I attest that I am a "public official" as defined under Title 66, Chapter 21, Part 1.
- By checking this box, I attest that I believe, based on my personal knowledge, that the document was filed without any reasonable basis or legal cause.

In the space below, provide a detailed explanation that outlines the factual basis why the filed record lacks any reasonable basis or legal cause. If the explanation will not fit in the space provided, please attach a detailed explanation and write in the space below 'See Attached.'

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3. A residential mortgage lender or an industrial loan and thrift company licensed by the Tennessee Department of Financial Institutions;
4. An entity regulated by the federal farm credit administration;
5. The federal housing administration (FHA);
6. A federal home loan bank;
7. The federal national mortgage association (FannieMae);
8. The federal home loan mortgage corporation (FreddieMac);
9. The federal agricultural mortgage corporation (FarmerMac);
10. The veterans administration (VA); or
11. Any lien, encumbrance, or other document that is filed with the register, where the mortgage electronic registration system is listed as the nominee for the originator, owner, or holder of the debt.

SIGNATURES

Affiant's (Public Official) Signature

Signature Date

Notary Signature

My Commission expires: _____

Sworn to and subscribed before me this _____ day of _____, 20 _____