

County Register of Deeds - Uncontested Lien Affidavit Instructions

The County Register of Deeds – Uncontested Lien Affidavit should be filed where the Notarized Affidavit – County Register of Deeds form has been filed and mailed, return receipt requested, to the filing party and the filing party has failed to properly contest such affidavit, as provided by T.C.A. § 66-21-123.

In the event the Notarized Affidavit – County Register of Deeds Form is either successfully delivered or failure of delivery for one of the reasons listed below has occurred, as indicated by the returned return receipt card, this form should be filed along with the Certification Form indicating that no petition has been filed within twenty (20) days. If twenty (20) days have not yet lapsed since either delivery or failure of delivery for one of the reasons listed below, you must wait until this has occurred.

This form may also be filed, along with the Certification Form – No Listing of Secured Party, where the filing party failed to include the filing party’s name and address on the contested filing, and therefore, a Notarized Affidavit contesting the filing cannot be served on the filing party.

A blank County Register of Deeds - Uncontested Lien Affidavit 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 County Register of Deeds - Uncontested Lien Affidavit 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 County Register of Deeds - Uncontested Lien Affidavit should be typed or hand printed in ink. Instructions for completing the affidavit are below.

A completed County Register of Deeds - Uncontested Lien Affidavit 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 and 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.

Return Receipt Card Number: Enter the tracking number reflected on the return receipt card used when the Notarized Affidavit – County Register of Deeds was mailed to the filing party.

Return Receipt Card Was Mailed: Enter the date on which a copy of the Notarized Affidavit – County Register of Deeds was postmarked for mailing to the filing party.

Check the Box:

1. **The Return Receipt Card:** Only one (1) box should be checked, as applicable based on the return receipt received from the Post Office.
 - Check the first box if the return receipt card has been received indicating that delivery had been made and enter the date of delivery as indicated on the return receipt card.

- Check the second box if the return receipt card has not been received within twenty (20) days from the date of the postmark.
 - Check the third box if the return receipt card has been returned and indicates that the item was undeliverable at the address provided.
 - Check the fourth box if the return receipt card has been returned and indicates that the named filing party has refused to accept the item.
2. After indicating which of the four results above have occurred, with respect to the return receipt card, you must certify that twenty (20) days have lapsed and no petition has been filed in response to the contested lien affidavit. If twenty (20) days have not yet lapsed, you must wait until this has occurred. You must also submit with this document a Certification Form, signed by the Clerk and Master, certifying that no petition has been filed.
 3. Alternatively, check the last box if mailing and delivery of the Notarized Affidavit – County Register of Deeds Form was not possible because the contested document did not contain the name or address of the filing party, plaintiff, complainant, lienor, or owner of the lien.

Signatures

The Public Official MUST check the box indicating that he or she attests that the information contained within the affidavit is accurate and signs the affidavit under penalty of perjury.

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

This affidavit must be signed by the County Register of Deeds and the Clerk and Master in the county in which the document is to be filed. The Clerk and Master must also affix their official seal to the affidavit.

Filing Fee

There is no filing fee required.

COUNTY REGISTER OF DEEDS - UNCONTESTED LIEN AFFIDAVIT

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.

For Office Use Only

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: _____

Return receipt card number: _____

Return receipt card was mailed: _____ (date)

The return receipt card:

- was returned indicating delivery was made on _____ (date)
MM/DD/YYYY
- was not returned, therefore the affidavit is deemed uncontested
- was returned undeliverable, therefore the affidavit is deemed uncontested
- was refused, therefore the affidavit is deemed uncontested

AND

- Twenty (20) days have lapsed since the date of delivery of the affidavit to the filing party or refusal or failure to sign the return receipt with no petition having been filed in response to the Contested Lien Affidavit; therefore, the affidavit is considered uncontested and this certification shall serve as a release of the contested document.

OR

- I certify, under penalty of perjury, that the contested document did not contain the name or address of the filing party, plaintiff, complainant, lienor, or owner of the lien and therefore this certification shall serve as a release of the contested document.

COUNTY REGISTER OF DEEDS - UNCONTESTED LIEN AFFIDAVIT

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

I certify under penalty of perjury the information contained on this document is accurate and correct.

Affiant's (Public Official) Signature

Signature Date

Notary Signature

My Commission expires: _____

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

County Register Signature

Date

Clerk and Master Name

Clerk and Master Signature

Date

Seal of the Clerk