

Duties - Office of the Register

The Register is the official record keeper of the County. The primary function of the Register is to make and preserve a record of instruments required or allowed by law to be filed or recorded, including but not limited to deeds, powers of attorney, deeds of trust, mortgages, liens, contracts, plats, leases, judgments, wills, court orders, military discharges, records under the Uniform Commercial Code (primarily fixture filings), and other types of documents. T.C.A. § 66-24-101. The records provide public notice of property ownership, liens, contracts, and other transactions that affect the public interest.

The Register must be familiar with the requirements for acceptance applicable to each document. The prerequisites for acceptance of a document vary with the type of document. The Register is not a notary and does not have a statutory power to take acknowledgments, as does the County Clerk.

The Register has specific directions on how to index, record, and maintain the records. T.C.A. § 8-13-108. The Register must: (1) require specific information on instruments registered in the office; (2) perform the assigned tasks in a diligent manner, since the notice of a recorded instrument may affect who holds legal title to property and who has priority in liens against property; (3) carefully place the time of receipt of instruments into the notebook, record the instruments in the correct book, and index the instrument properly; (4) keep accurate records of the fees, commissions, and taxes collected as well as of office expenses; (5) make reports on the fees, commissions, and expenses to the County; and (6) make reports on the taxes collected to the State revenue department. T.C.A. §§ 8-13-108, 67-4-409. Fee officials, including Registers, must collect all fees to which they are entitled. T.C.A. § 8-22-102.

The Register is responsible for collecting "transfer" and "mortgage" taxes. T.C.A. § 67-4-409. With some statutory exceptions, the Register must collect a tax on the transfer of all interests in real estate, and the "mortgage" tax on recording instruments which evidence an indebtedness. T.C.A. § 67-4-409. The Register must be knowledgeable concerning the many special rules and exceptions that apply to the collection of these taxes. Also, the Register must be knowledgeable about the required statements on instruments evidencing transfers of real estate or certain interests in real estate and instruments of indebtedness.

The duties of the Register are dealt with in greater detail in *Legal Issues for Registers of Deeds*, a CTAS publication for the County Officials Certificate Training Program (COCTP). This publication may be found on the CTAS website at www.ctas.utk.edu. The Register's website can be accessed at www.register.shelby.tn.us.