

How To: Filing an Affidavit of Title

What Is an Affidavit of Title?

An Affidavit of Title is a sworn statement by the property owner (Affiant) attesting to the current state of their title -- specifically, that the property is free of undisclosed liens, encumbrances, claims, or other title defects. It is most commonly required:

- By a buyer's attorney or title examiner at closing, to confirm no title issues arose between the title search date and the closing date.
- By a lender as a condition of issuing a mortgage.
- In connection with an estate or trust transfer to confirm no competing claims.
- To correct or supplement an ambiguous deed or prior instrument of record.

What Must Be Disclosed

The Affiant must truthfully disclose all of the following (or affirmatively state none exist):

1. Unrecorded deeds, contracts, or agreements affecting the property.
2. Parties in possession other than the owner (tenants, occupants, adverse claimants).
3. Pending legal proceedings, judgments, or threatened litigation affecting title.
4. Mechanic's liens or unpaid contractor claims, whether or not yet recorded.
5. Boundary disputes or encroachments.
6. Any rights granted to others (verbal easements, licenses, informal access agreements).
7. Estate or probate matters that could affect title.

Omitting a known encumbrance constitutes perjury under Eldoria Code Section 88-F.

Legal Consequences of False Statements

An Affidavit of Title is a sworn instrument. Filing a materially false Affidavit exposes the Affiant to:

- Perjury charges under the Grand Duchy Criminal Code, punishable by forfeiture of all property rights and mandatory service in the Tunnel Defense Corps (minimum 5 years).
- Civil liability to any party who relied on the Affidavit and suffered damages as a result.
- Rescission of any transaction closed in reliance on the false Affidavit.
- Permanent disqualification from serving as Notarial Magistrate or ROD-licensed appraiser.

Required Elements

1. Affiant's full legal name, address, and relationship to the property.
2. Legal description of the subject property.
3. Reference to Affiant's deed of acquisition (Book, Page, Inst. number).
4. Sworn statements addressing each required disclosure category (see above).
5. Statement of the purpose for which the Affidavit is being made.
6. Affiant's signature.

7. Notarial acknowledgment with the Magistrate's obsidian seal.

Step-by-Step Filing Process

1. Prepare the Affidavit on form ELD-AF-01 or a form approved by the receiving party.
2. Conduct a title search to confirm what is of record before making sworn statements.
3. Affiant signs before a Notarial Magistrate.
4. Complete ROD Cover Sheet; check 'AFF' as index type.
5. Pay recording fee: 10.00 GP flat.
6. The recorded Affidavit will be indexed under the property's parcel ID.
7. Provide certified copies to the buyer, lender, or other parties requiring the Affidavit.