

*****EFFECTIVE JUNE 17, 2009*****

**DOMESTIC RELATIONS
CLERKS DEED PROVISION**

All orders where the Clerk of Court is ordered to execute the necessary documents to convey interest in property must have the following revised paragraph:

In the event either party fails and/or refuses to execute the necessary documents to convey his or her interest in property herein awarded to the other party within thirty (30) days after the execution of the Judgment of Divorce, the Clerk of this Court is hereby empowered to execute any and all documents necessary to effectuate this transfer on behalf of the parties upon the filing of a proper affidavit by the party requesting the document to include a proper legal description of the property to be conveyed and a certificate of service to the opposing party that this affidavit has been filed with the court.

No longer can the attorney submit a letterhead requesting a clerk's deed. The party (the attorney can prepare the affidavit) requesting the clerks deed must sign the affidavit (notarized) along with a legal description (it can be in the body of the affidavit and/or attached to the affidavit) of the property the clerk is to convey. (car, home, etc.) It must have a certificate of service either to the opposing counsel or other party.

The clerks' office will compare said legal description in the affidavit (or attached) with the description on the clerk's deed along with the spelling of the parties name and date of judgment.

On any existing divorce that does not have the paragraph; the party will have to submit the affidavit along with the legal property description.