

Frequently Asked Questions in the Land Records Division

LAWS ARE SUBJECT TO CHANGE ANNUALLY. IT IS YOUR RESPONSIBILITY TO DETERMINE IF AMENDMENTS HAVE BEEN MADE TO ANY STATUTES REFERENCED IN THIS GUIDE FROM THE DATE OF ITS LAST REVISION.

Fairfax County is committed to a policy of nondiscrimination in all county programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations call the ADA Coordinator for the Circuit Court at (703) 246-2221 or TTY 711 (Virginia Relay Center). Please allow seven working days in advance of the event in order to make the necessary arrangements.

1. What are your hours of operation?

The Fairfax Circuit Court is open Monday through Friday from 8:00 a.m. to 4:00 p.m. and is closed on all major holidays. The Court's holiday schedule is located at: <http://www.fairfaxcounty.gov/courts/circuit/holiday.htm>.

The Court may also be closed due to inclement weather. Please visit our website at <http://fairfaxcountyemergency.wordpress.com/> to verify the Court is open.

2. Where are you located?

The Land Records Division is located on the 3rd Floor of the Fairfax County Courthouse at 4110 Chain Bridge Road, Suite 317, Fairfax, VA 22030. Our telephone number is 703-691-7320. Select 3 and then 4.

3. What time do you stop accepting documents for recording?

Documents are accepted for recording until 3:00 p.m. Documents are not accepted after 3:00 p.m.; however, the recorders will continue recording what was previously dropped off until 4:00 p.m. At 4:00 p.m., all remaining documents that have not been recorded are returned to the customer. Over-the-counter documents cannot be left overnight and customers must be present when their documents are being recorded in case any questions arise.

4. How do I obtain the deed book and page number for a document recorded in the Land Records Division?

You may obtain the deed book and page number by searching for the document in the [Court Public Access Network](#) ("CPAN") on one of the public computers in the Land Records Research Room or through a subscription. Subscribers to [CPAN](#) are able to make non-certified copies from their own computer. Please note that the Land Records staff is not allowed to perform research. Clerks are available for assistance, but they cannot perform the research for you.

For subscribing information, please visit our website at: <http://www.fairfaxcounty.gov/courts/circuit/cpan.htm>.

5. My home was recently paid off. Will I receive my original deed in the mail?

No. The original deed was sent to you after it was recorded, when you purchased your home. Once your home mortgage is paid off, the lender will record a *Certificate of Satisfaction*. This document indicates that you have paid off your mortgage. The lender decides if the original Certificate is sent to you or returned to them. If you would like a copy of your Certificate, please contact the Land Records Division by calling 703-691-7320, option 3, then option 4.

6. Do I need to prepare and attach a cover sheet with each document?

Yes, each document submitted in person or through the mail must have a properly prepared Fairfax County cover sheet. The cover sheet is available on our website at: <http://ccr.fairfaxcounty.gov/coversheet/coversheet.aspx>.

You may also prepare the cover sheet at one of the public computers in the Research Room, adjacent to the Land Records Division.

7. How long does it take to record a document through the mail?

With the exception of certificates of satisfaction, it can take up to 6 weeks to record a document through the mail. Pursuant to the §55-66.6 of the 1950 Code of Virginia, as amended, certificates of satisfaction are recorded within 10 business days of receipt.

8. What forms of payment are accepted?

In person: Cash, business checks, cashier's checks, money orders and credit cards (Visa and MasterCard only with a 4% transaction fee).

By mail: Business checks, cashier's checks and money orders.

Over the telephone: Credit cards (Visa and MasterCard only with a 4% transaction fee). Please note that only copy requests can be paid for over the telephone.

Personal checks are not accepted. All checks and money orders must be made payable to the *Clerk of the Court*.

9. How can I obtain information about electronically filing documents in the Land Records Division?

Visit our website at: <http://www.fairfaxcounty.gov/courts/circuit/efs.htm>.

10. What are the recording requirements for filing a document in Land Records?

All recording requirements can be found at <http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-60.pdf> or call the Land Records Division for assistance. The telephone number is 703-691-7320, option 3, then option 4.

11. How do I obtain a copy of my deed?

If you know the instrument number or deed book and page number, you may request a copy of your deed either by mail or over the telephone by calling 703-691-7320, option 3, then option 4. Send your written request to:

Fairfax Circuit Court
4110 Chain Bridge Road, Suite 317
Fairfax, VA 22030
Attention: Land Records Copy Center

Include a self-addressed, stamped envelope of sufficient size with your request for return of the document, along with a money order or cashier's check made payable to the Clerk of the Court. The fees for ordering copies are: \$.50 per page and \$2.00 per certification.

If you prefer, you can use the Land Records Copy Request Form found on our website: http://www.fairfaxcounty.gov/courts/circuit/land_records_info.htm

If you do not know the instrument number or deed book and page number, see Question 4 for additional information.

12. When will I receive my original document after recording?

Approximately 4 to 8 weeks from the date of recording.

13. What should I do when my deed has been recorded but a page is missing?

You will need to re-record your deed (or a certified copy of your deed) with the missing page attached. On the first page of the deed write the reason why your deed needs to be re-recorded. You will need a new cover sheet, which should be placed on top of the old cover sheet.

14. The mortgage on my home has been paid off. How do I get a copy of my deed stating the mortgage has been paid in full?

When a mortgage is paid in full, the lender will file a document called a *Certificate of Satisfaction*. This document states that the mortgage has been paid. Your deed doesn't change. If you need documentation that your mortgage has been paid, you can request a copy of the Certificate of Satisfaction.

15. My deed was recorded in Fairfax County by mistake. Can I receive a refund for the recording fees and tax?

Only the county's portion of the recording taxes can be refunded, within three years of the recorded date. Contact the Land Records Division to obtain a refund form. When you submit the document to the appropriate county for recording, you will only be responsible for paying that county's taxes and recording fees.

16. How is the tax for a deed calculated when there is an assuming loan?

Grantor tax is based upon the difference between the fair market value and the assuming loan. Grantee tax is based upon on the fair market value. The fair market value can be determined by the sale price or the assessed value, whichever is greater.

17. My spouse just passed away. Is it necessary to remove his/her name from our deed? If so, how?

You should consult with an attorney. The Clerk's Office is prohibited by law from giving legal advice. The attorney can determine what action you may need to take. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org, or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

18. What are the [recording requirements](#) for a deed of trust?

A deed of trust must include the following:

- Consideration
- A third party (not the borrower or lender) named as the trustee. Individual trustees must be Virginia residents.
- Notarized signatures of the borrowers.
- Notarization must include the following:
 - Notary's signature.
 - State and county/city of the notarization.
 - Notary's title.
 - Commission expiration date.
 - Registration number (VA notaries only)
 - Photographically reproducible seal in black/blue ink (VA notaries only).

19. What are the [recording requirements](#) for a Refinance Trust?

A Refinance Trust must include the following:

- A statement on the first page of the document that references the deed book and page number of the original trust, along with the proper code section.
- Consideration
- A third party (not the borrower or lender) named as the trustee. Individual trustees must be Virginia residents.
- Notarized signatures of the borrowers.
- Notarization must include the following:
 - Notary's signature.
 - State and county/city of the notarization.
 - Notary's title.
 - Commission expiration date.
 - Registration number (VA notaries only)
 - Photographically reproducible seal in black/blue ink (VA notaries only).

20. Is there a tax for recording a deed of trust modification?

Yes, if the deed of trust is modified to increase the loan amount. The recording tax is based upon the difference between the original debt and the new loan amount.

If the deed of trust is modified for any other reason (i.e. change of interest rate or change to terms of the loan), no recording tax is due; however, clerk's fees would still apply.

21. What do I do when the names of the borrowers on a recorded deed of trust are incorrect?

You will need to re-record the deed of trust with the correct spelling of the borrower's name(s). State the reason the deed of trust is being re-recorded on the first page. You will need to attach a new cover sheet, indicating it is a trust correction. The new cover sheet should be placed on top of the original cover sheet.

22. Where can I find the Fairfax County cover sheet?

The cover sheet is located on our website at:
<http://ccr.fairfaxcounty.gov/coversheet/coversheet.aspx>

You may also prepare the cover sheet at one of the public computers in the Research Room, adjacent to the Land Records Division, in the Fairfax County Courthouse.

23. How do I add, change or remove a name from a deed?

You may need to prepare a new deed and record it in the appropriate counties. You should consult with an attorney or visit the Fairfax County Law Library regarding the need and preparation of a new deed. The Fairfax County Law Library is located on the first floor of the Fairfax County Courthouse. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org, or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

24. Can I prepare a deed without an attorney?

Yes, but the Land Records Division does not have or provide any deed forms and the Land Records staff is prohibited by law from giving legal advice. We encourage you to consult with an attorney or visit the Fairfax County Law Library for assistance. The Fairfax County Law Library is located on the first floor of the Fairfax County Courthouse. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org, or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

25. Where can I find the legal description of my house?

The legal description is located on your deed, deed of trust or on the current tax bill. If you want to look at your current tax bill, you can call the Fairfax County Tax Department at 703-222-8234. You can also obtain the legal description and other information about your home by visiting: <http://icare.fairfaxcounty.gov/Main/Home.aspx>.

26. If I change the title of my deed from my name to a company name without a consideration amount, do I have to pay the recording tax?

Read [§58.1](#) of the 1950 Code of Virginia, as amended, to see if an exemption applies to you. We would encourage you to consult with an attorney or to visit the Fairfax County Law Library for assistance. The Fairfax County Law Library is located on the first floor of the Fairfax County Courthouse. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org, or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

27. The information regarding my property on the Fairfax County Department of Taxation's website is incorrect. How do I correct my information?

If the information regarding your deed is incorrect, please call the Land Records Division at 703-691-7320. Select option 3, then option 4. If any other information regarding your property is incorrect, please call the Fairfax County Department of Taxation at 703-222-8234.

28. What is the recording tax for a trustee's deed?

The recording tax is based on either the bid amount or the assessed value, whichever is greater.

29. How is recording tax calculated for a lease?

Recording tax is calculated the same way as a deed of trust. Recording tax is based on either the full amount of the lease or the assessed value, whichever is less.

30. Do I need a new signature page for a modified covenant?

Yes, a modified covenant requires the notarized signatures of the owners and the Home Owners' Association. Read the statute that applies to Home Owners Associations to find out how many owners' signatures are required.

31. My name is misspelled in your index on the [Court Public Access Network](#) (CPAN). How do I fix the information?

Call the Land Records Division and notify them of the error. The telephone number is 703-691-7320, option 3 then option 4.

32. How do I arrange to have my tax bill sent to my house?

Call the Fairfax County Department of Taxation at 703-222-8234.

33. Where can I find a foreclosure listing?

You can find the information on any foreclosed property within Fairfax County or the City of Fairfax through local newspapers, under Trustee's Sales. The Clerk's Office does not have a list of foreclosure listings.

34. How can I find the list of foreclosure auctions at the Courthouse?

The Land Records Division does not handle foreclosure auctions. The information on any foreclosed property within Fairfax County or the City of Fairfax can only be obtained through local newspapers. The newspaper will provide the location, time and contact information for each property that will be held for auction at the Courthouse.

35. How do I obtain my property's parcel identification number?

This information is available at <http://icare.fairfaxcounty.gov/Main/Home.aspx>. Follow the instructions to find your property. The parcel identification number (also known as the tax map number) will be included in the information. If you don't have internet access, you can call the Department of Taxation at 703-222-8234.

36. How do I find out if there is a lien against my property?

Contact a title company or visit the Research Room adjacent to the Land Records Division to research the [Court Public Access Network](#) (CPAN) on one of our public computers.

37. Which plats are kept in the Land Records Division?

Only subdivision plats and state highway plats are kept in the Land Records Division.

38. How do I obtain a copy of the plat for my house?

Only subdivision plats are recorded in the Land Records Division. If your home is a single family detached house, call the Zoning Permit Review Branch at 703-222-1082. If your home is a townhouse or condominium, you may already have a copy of your plat. Often, the settlement office will provide a copy of the plat for your unit. If you do not already have a copy of your plat, contact your homeowners association or the builder.

39. How do I find the subdivision plat to my house?

Look for the book and page number of the subdivision plat on the deed to your home. You can locate this information in the legal description beginning with the words "dedicated and platted." Once you have the book and page number, visit our website at

http://www.fairfaxcounty.gov/courts/circuit/land_records_info.htm and print the Land Records Copy Request Form, located towards the top of the page. Upon receipt of the Land Records Copy Request Form and payment, we will send you a copy of the subdivision plat.

40. How do I find information regarding houses in my neighborhood?

This information is available at <http://icare.fairfaxcounty.gov/Main/Home.aspx>. Follow the instructions to locate your property. The screen that includes your property will have links to nearby properties, with information such as the sale date and sale price.

41. How do I verify that a tax lien has been removed?

Call the Fairfax Circuit Court Judgment Division at 703-246-4136 or 703-246-4159.

42. How do I obtain a copy of my marriage license?

If you obtained your marriage license in Fairfax, call the Fairfax Circuit Court Public Service Division at 703-691-7320. Select option 3, option 6, option 1, then option 1. If you obtained your license outside of Fairfax, call the Department of Vital Records at 804-662-6200.

43. How do I record a Will?

Contact the Fairfax Circuit Court Probate Division at 703-691-7320. Select option 3 and then option 8.

44. What is the difference between a trust and a mortgage?

The Clerk's Office is prohibited by law from giving legal advice. Please contact an attorney regarding the differences between land records document types. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>. You can also conduct your own research at the Fairfax County Law Library which is located on the first floor of the Fairfax County Courthouse.

45. Someone is building too close to my property line. What can I do?

Contact the Zoning Enforcement Office at 703-324-1300 or seek the advice of an attorney. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

46. How do I obtain a mechanic's lien form?

The form is available at the Land Records Division Information Desk and on our website: http://www.fairfaxcounty.gov/courts/circuit/lr_gen_info.htm

47. How do I file a mechanic's lien?

We would encourage you to seek the advice of an attorney to assist you with this process. Certain mechanic's lien forms are available on our website at: http://www.fairfaxcounty.gov/courts/circuit/lr_gen_info.htm You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

48. What is the time frame for filing a mechanic's lien?

You will need to contact an attorney or visit the Fairfax County Law Library to research this issue. The Clerk's Office is prohibited by law from giving legal advice. The Fairfax County Law Library is located on the first floor of the Fairfax County Courthouse. You can contact the Fairfax Bar Association's Lawyer Referral Service at 703-246-3780 or visit www.fairfaxbar.org or the Virginia Bar Association's Lawyer Referral Service at 800-552-7977 or visit <http://www.vsb.org/vlrs/>.

49. How can I obtain a copy of my divorce decree?

Contact the Fairfax Circuit Court Records Division at 703-691-7320. Select option 3, option 1, option 5, and then option 2.