

A deed that has been submitted to me for recording in the town land records references an “attached Deferral of Permit to be recorded.” However, there is no such attachment. Can I refuse to record it?

Yes. Not only do you have the authority to refuse to record the deed, by law you are *prohibited* from recording it! State law prohibits a town clerk from recording, or receiving for recording, property transfer deeds (warranty, quit claim, easements, etc.) that are submitted without the following two things.

- 1) evidence of payment of any property transfer tax owed (PTTR); and,
- 2) ‘a certificate in the form prescribed by the environmental board’ signed by the seller or the seller’s legal representative confirming compliance with or exemption from the state land use laws.

The State ‘certificate’ referred to includes an Act 250 Disclosure Statement if the conveyance creates a partition or division of land. It also includes any Deferral of Permit issued by the State. The only type of property transfer exempt from this requirement is the transfer of a utility line easement to a public utility or a municipality that has a value of \$500 or less. The law further sets penalties against any town clerk who violates this requirement in the amount of \$50.00 for the first offense and \$100.00 for each subsequent offense. A person who purposely or knowingly falsifies any statement contained in the certificate is punishable by a fine of not more than \$500.00 or one year imprisonment, or both, *and* is liable for damages caused by that false certification. 32 V.S.A. §9608.

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