



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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OAG 16-006

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July 15, 2016

Subject: The interpretation of "full name" in the requirements for a deed in KRS 382.135(1), as amended by House Bill 422 (2016)

Requested by: P. Branden Gross
Legislative Chair, Kentucky Land Title Association

Don Blevins, Jr.
Fayette County Clerk

Debra Stamper
General Counsel, Kentucky Bankers Association

Written by: Matt James

Syllabus: The requirement in KRS 382.135(1) of a "full name" in a deed requires a surname and a personal name, initials, or combination of those. If a person's full name does not have a surname and some combination of a personal name and/or initials, such as in the case of a person who has only a single name, the person's legal name will suffice. County clerks are not liable for erroneous or false uses of a full name in a deed.

Statutes construed: KRS 365.015; KRS 382.110; KRS 382.135

OAG cited: OAG 16-002

Opinion of the Attorney General

P. Branden Gross, Legislative Chair of the Kentucky Land Title Association, Don Blevins, Jr., Fayette County Clerk, and Debra Stamper, Executive Vice

President and General Counsel of the Kentucky Bankers Association, have requested an opinion interpreting the requirement of an individual's full name on a deed required by KRS 382.135(1), as amended by House Bill 422 (2016) ("H.B. 422"). We advise that "full name" in KRS 382.135(1), as amended by H.B. 422, requires a surname and a personal name, initials, or combination of those. County clerks are not liable for erroneous or false uses of a full name in a deed.

The common law requires a deed to identify a grantor and a grantee. *Smith v. Vest*, 265 S.W.3d 246, 250 (Ky. Ct. App. 2007). KRS 382.135(1) provides an additional list of the specific things that a deed to real property must contain, including the mailing address of the grantor and grantee. Section 15 of H.B. 422 amended KRS 382.135(1) to include "the full name of the grantor and grantee."¹ However, "full name" is not defined in H.B. 422, KRS 382.135, or elsewhere. The requesters are concerned that the new requirement of "full name" will be interpreted strictly, as many deeds contain only initials with a surname, and other persons do not have middle names. At issue is what constitutes a "full name" for the purposes of the validity of a deed. Additionally, the requesters are concerned with the liability of county clerks to verify the full names used in a deed.

Although used throughout various Kentucky statutes, the phrase "full name" has not been expressly defined in Kentucky statutes or case law. BLACK'S LAW DICTIONARY (10th ed. 2014) defines "full name" as "an individual's personal name, second or middle names or initials (if any), and surname arranged in a customary order." However, it also defines "legal name" as "a person's full name as recognized in law," and further notes that "there are no rules governing a legal name's length or constitution; it may be a single name (e.g., Prince) or include words not generally used in human names (e.g., Moon Unit)." *Id.* Requirements for a legal name are thus generally not uniform. Given that "full name" generally requires a surname and a personal name, initials, or some combination of a personal name and initials, we advise that "full name" in KRS 382.135(1), as amended by H.B. 422, means a surname and some combination of a personal name and/or initials. If a person's full name does not have a surname and some combination of a personal name and/or initials, such as in the case of a person who has only a single name, the person's legal name will suffice.

¹ The effective date of H.B. 422 is July 15, 2016. OAG 16-002.

County clerks are not liable for any erroneous or false uses of a person's full name in a deed.² KRS 382.110(7) provides that "no clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed."³

In summary, the requirement of a "full name" in a deed in KRS 382.135(1), as amended by H.B. 422, requires a person's surname and some combination of a personal name and/or initials. If the person does not have a personal name and some combination of initials, the person's legal name will suffice. County clerks are not liable for erroneous or false uses of a person's full name in a deed.

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² Although KRS 382.135(5) provides that "no county clerk or deputy clerk shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section," neither KRS 382.135 nor KRS 382.990 specify any penalty for violation of KRS 382.135(5) for county clerks or deputies. KRS 392.990 provides only that "any person who willfully and fraudulently gives a false statement as to the full actual consideration of property or the full estimated value under KRS 382.135, shall be guilty of a Class D felony." KRS 382.990(8).

³ Under KRS 382.990(1), county clerks are still liable for failure to comply with the provisions of KRS 382.110, 382.120, 382.290, or 382.360.