

## **Part 2**

### **Master Mortgage and Trust Deeds**

#### **57-3-201 Definitions.**

As used in this part, "master form" means a mortgage or trust deed used as a master or similar standardized form that is drafted and recorded in accordance with this part to be incorporated in whole or in part into multiple mortgages or trust deeds.

Enacted by Chapter 61, 1998 General Session

#### **57-3-202 Recording master mortgage and trust deed -- Requirements for master form -- Indexing by county recorder.**

- (1)
  - (a) A person may record a master form in the office of the county recorder.
  - (b) A person who files a master form shall state in the caption required under Section 57-3-106 that the instrument is a master form.
- (2) A master form is not required to:
  - (a) contain identification or description of any specific real property; or
  - (b) name a specific:
    - (i) mortgagor;
    - (ii) trustor; or
    - (iii) trustee.
- (3) A master form shall:
  - (a) name a specific mortgagee or beneficiary;
  - (b) contain an acknowledgment, proof, or certification; and
  - (c) identify the person causing the recording of the master form.
- (4) A county recorder shall:
  - (a) index a master form in the same manner as the county recorder indexes mortgages and trust deeds in accordance with Section 17-21-6; and
  - (b) indicate on all indices and records of the county referencing the master form that the instrument is a master form.
- (5)
  - (a) If a county recorder receives a document for recording that contains both a master form and a mortgage or trust deed, the county recorder:
    - (i) is not required to:
      - (A) separate the master form from the mortgage or trust deed; or
      - (B) record the master form and the mortgage or trust deed as separate instruments; but
    - (ii) may separate the master form from the mortgage or trust deed and record only the master form if the unrecorded portion is clearly designated or marked as a section not recorded.
  - (b) A master form recorded under Subsection (5)(a), is considered as a master form under this part for purposes of the incorporation by reference of a previously recorded master form.

Enacted by Chapter 61, 1998 General Session

#### **57-3-203 Authorization to incorporate master form by reference -- Referencing a master form -- Prohibiting the reference of legal descriptions.**

- (1)

- (a) After a master form is recorded in accordance with Section 57-3-202, any provision of that master form may be incorporated in a mortgage or trust deed without setting the provision in full by making reference to the master form in the manner provided in this section.
  - (b) The incorporation of a provision of a master form is effective for purposes of this chapter only if it complies with the provision of this section.
- (2) To incorporate a provision of a master form:
- (a) the master form shall be of record in any county in which the mortgage or trust deed incorporating the master form provision is recorded;
  - (b) the mortgage or trust deed incorporating the master form provision shall contain a statement for each county in which the mortgage or trust deed is to be recorded that:
    - (i) gives the specific date on which the referenced master form was recorded in that county;
    - (ii) identifies the referenced master form by reference to the indexing information for the referenced master form from the county records of that county, providing:
      - (A) the entry number; and
      - (B) the book and first page number of the records or book where the recorded master form appears; and
    - (iii) if less than all of the provisions of the referenced master form are incorporated, identifies by paragraph, section, or other method which provision is incorporated into the mortgage or trust deed.
- (3) In the absence of a statement identifying which provision is to be incorporated as described in Subsection (2)(b)(iii), the entire referenced master form is considered incorporated.
- (4) A party may not incorporate by reference the legal description of the real property affected by the mortgage or trust deed being recorded.

Enacted by Chapter 61, 1998 General Session

**57-3-204 Constructive notice -- Effect as between direct parties to mortgage or trust deed.**

- (1) The recording of a mortgage or trust deed that incorporates a provision of a master form in accordance with Section 57-3-203, operates as constructive notice of the mortgage or trust deed, including all incorporated provisions of the referenced master form.
- (2) Nothing in this part modifies the law regarding the effectiveness of a mortgage, trust deed, or contract as between:
  - (a) the mortgagor and mortgagee of the mortgage; or
  - (b) the trustor, beneficiary, and trustee under a trust deed.

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