

# H.B. 279

## COUNTY RECORDER AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 17, 2010 11:10 AM

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Representative **R. Curt Webb** proposes the following amendments:

1. *Page 3, Line 65:*

65 59-2-1325, as repealed and reenacted by Laws of Utah 1988, Chapter 3  
= **57-3-106, as last amended by Laws of Utah 2008, Chapters 3 and 97**

2. *Page 32, Lines 966 through 968*

*House Committee Amendments*

*2-9-2010:*

966 boundary adjustment provisions in Subsection 17-2-209(4).

= **Section 28. Section 57-3-106 is amended to read:**  
**57-3-106. Original documents required -- Captions -- Legibility.**

(1) A person may not present and a county recorder may refuse to accept a document for recording if the document does not comply with this section.

(2) (a) Unless otherwise provided, a document presented for recording in the office of the county recorder shall:

(i) be an original;

(ii) contain a brief caption on the first page of the document stating the nature of the document; and

(iii) contain a legal description of the property as required under Section 57-3-105.

(b) If a document is a master form, as defined in Section 57-3-201, the caption required by Subsection (2)(a)(ii) shall state that the document is a master form.

(3) A court judgment or an abstract of a court judgment presented for recording in the office of the county recorder in compliance with Section 78B-5-202 shall:

(a) be an original or certified copy; and

(b) include the information identifying the judgment debtor as referred to in Subsection 78B-5-201(4)

either:

(i) in the judgment or abstract of judgment; or

(ii) as a separate information statement of the judgment creditor as referred to in Subsection

78B-5-201(5).

(4) A judgment, abstract of judgment, and separate information statement of the judgment creditor does not require an acknowledgment or a legal description to be recorded.

(5) A foreign judgment or an abstract of a foreign judgment recorded in the office of a county recorder shall include the affidavit as required in Section 78B-5-303.

(6) Any document recorded in the office of the county recorder to release or assign a judgment lien shall

include:

- (a) the name of any judgment creditor, debtor, assignor, or assignee;
- (b) the date of recording; and
- (c) the entry number of the instrument creating the judgment lien.

(7) A document presented for recording shall be sufficiently legible for the recorder to make certified copies of the document.

(8) (a) (i) A document that is of record in the office of the appropriate county recorder in compliance with this chapter may not be recorded again in that same county recorder's office unless the original document has been reexecuted by all parties who executed the document.

(ii) Unless exempt by statute, an original document that is reexecuted shall contain the appropriate acknowledgment, proof of execution, jurat, or other notarial certification for all parties who are reexecuting the document as required by Title 46, Chapter 1, Notaries Public Reform Act, and Title 57, Chapter 2, Acknowledgments.

(iii) A document submitted for rerecording shall contain a brief statement explaining the reason for rerecording.

(b) A person may not present and a county recorder may refuse to accept a document for rerecording if that document does not conform to this section.

(c) This Subsection (8) applies only to documents executed after July 1, 1998.

(9) Minor typographical or clerical errors in a document of record may be corrected by the recording of an affidavit or other appropriate instrument.

(10) ~~{ Subject to federal bankruptcy law, }~~ Except as required by federal law, or by agreement between a borrower under the trust deed and a grantee under the trustee's deed, neither the recordation of an affidavit under Subsection (9) nor the reexecution and rerecording of a document under Subsection (8):

- (a) divests a grantee of any real property interest;
- (b) alters an interest in real property; or
- (c) returns to the grantor an interest in real property conveyed by statute.

967 Section ~~{-28}~~ 29 . Section **72-3-107** is amended to read:

968 72-3-107. County executive to keep plats of roads and highways.