

COUNTY RECORDER REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill amends provisions related to county recorder fees.

Highlighted Provisions:

This bill:

- ▶ authorizes a county recorder to receive a fee for recording certain documents;
- ▶ requires a person recording certain documents to include certain wording;
- ▶ authorizes a county recorder to examine certain documents; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-21-18.5, as last amended by Laws of Utah 2006, Chapter 38

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-21-18.5** is amended to read:

17-21-18.5. Fees of county recorder.

(1) The county recorder shall receive the following fees:



28 (a) for recording any instrument, not otherwise provided for, other than bonds of public
29 officers, \$10;

30 (b) for recording any instrument, including those provided for under Title 70A,
31 Uniform Commercial Code, other than bonds of public officers, and not otherwise provided
32 for, \$10 for the first page and \$2 for each additional page, and if an instrument contains more
33 than one description, \$1 for each additional description;

34 (c) for recording a right-of-way connected with or appurtenant to any tract of land
35 described in the instrument, \$1, but if the instrument contains a description of more than one
36 right-of-way, \$1 for each additional right-of-way, and if an instrument contains more than two
37 names for either the first or second party, or the plaintiffs or defendants, \$1 for each additional
38 name;

39 (d) for recording mining location notices and affidavits of labor affecting mining
40 claims, \$10 for the first page and \$2 for each additional page; and

41 (e) for a location notice, affidavit, or proof of labor which contains names of more than
42 two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains
43 more than one mining claim, \$1 for each additional mining claim.

44 (2) (a) Each county recorder shall record the mining rules of the several mining
45 districts in each county without fee.

46 (b) Certified copies of these records shall be received in all tribunals and before all
47 officers of this state as prima facie evidence of the rules.

48 (3) The county recorder shall receive the following fees:

49 (a) for copies of any record or document, a reasonable fee as determined by the county
50 legislative body;

51 (b) for each certificate under seal, \$5;

52 (c) for recording any plat, \$30 for each sheet and \$1 for each lot or unit designation;

53 (d) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2
54 for each additional name;

55 (e) for recording any license issued by the Division of Occupational and Professional
56 Licensing, \$10; and

57 (f) for recording a federal tax lien, \$10, and for the discharge of the lien, \$10.

58 (4) (a) For recording a document that is subject to and complies with the Real Estate

59 Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq. for a residential property
 60 constructed for at least one family but no more than four families, the county recorder shall
 61 receive:

62 (i) ~~H→~~ ~~[\$15]~~ ~~\$14~~ ~~←H~~ for each deed of conveyance;

63 (ii) \$40 for each deed of trust; and

64 (iii) ~~H→~~ ~~[\$15]~~ ~~\$14~~ ~~←H~~ for each assignment of a deed of trust when recorded concurrently
 64a with the
 65 assigned deed of trust.

66 (b) If a person submits for recording a document described in Subsection (4)(a), the
 67 person shall ~~H→~~ [include the following wording] notify the county recorder by including the
 67a word "RESPA" ←H in at least 16 point font on the front page of each
 68 document ~~H→~~ [:

69 — "RESPA."] ←H

70 (c) ~~H→~~ [If a person does not include the wording described in
 70a Subsection (4)(b), a] A ←H county
 71 recorder is not required to:

72 (i) refund a fee described in Subsection (4)(a); or

73 (ii) change a fee amount shown on a recorded document if ~~H→~~ [a] the ←H fee described in
 74 Subsection (4)(a) is ~~H→~~ not ←H collected at the time of recording.

75 (d) A county recorder may examine a document recorded under this Subsection (4) for
 76 compliance with the Real Estate Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq.

77 ~~(4)~~ (5) The county may determine and collect a fee for all services not enumerated in
 78 this section.

79 ~~(5)~~ (6) A county recorder may not be required to collect a fee for services that are
 80 unrelated to the county recorder's office.

Legislative Review Note
 as of 1-24-11 3:24 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 259

SHORT TITLE: **County Recorder Revisions - As Amended**

SPONSOR: **Webb, R. C.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/22/2011, 02:06 PM, Lead Analyst: Wilko, A./Attorney: VA

Office of the Legislative Fiscal Analyst