

1 **COUNTY RECORDER REVISIONS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: R. Curt Webb**

5 Senate Sponsor: Kevin T. Van Tassell

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to county recorder fees.

10 **Highlighted Provisions:**

11 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **17-21-18.5**, as last amended by Laws of Utah 2006, Chapter 38

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

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

26 **17-21-18.5. Fees of county recorder.**

27 (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) \$15 for each deed of conveyance;
- 63 (ii) \$40 for each deed of trust; and
- 64 (iii) \$15 for each assignment of a deed of trust when recorded concurrently 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 include the following wording in at least 16 point font on the front page of each  
68 document:

69 "RESPA."

70 (c) If a person does not include the wording described in Subsection (4)(b), a 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 a fee described in  
74 Subsection (4)(a) is 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.

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

**Office of Legislative Research and General Counsel**