

COUNTY RECORDER INDEX AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends Title 17, Chapter 21, Recorder.

Highlighted Provisions:

This bill:

- requires county recorders to keep an index of certain water right numbers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-21-6, as last amended by Laws of Utah 2011, Chapter 88

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

Section 1. Section **17-21-6** is amended to read:

17-21-6. General duties of recorder -- Records and indexes.

(1) Each recorder shall:

- (a) keep an entry record, in which the recorder shall, upon acceptance and recording of any instrument, enter the instrument in the order of its recording, the names of the parties to the instrument, its date, the hour, the day of the month and the year of recording, and a brief description, and endorse upon each instrument a number corresponding with the number of the entry;

30 (b) keep a grantors' index, in which the recorder shall index deeds and final judgments
31 or decrees partitioning or affecting the title to or possession of real property, which shall show
32 the entry number of the instrument, the name of each grantor in alphabetical order, the name of
33 the grantee, the date of the instrument, the time of recording, the kind of instrument, the book
34 and page, and a brief description;

35 (c) keep a grantees' index, in which the recorder shall index deeds and final judgments
36 or decrees partitioning or affecting the title to or possession of real property, which shall show
37 the entry number of the instrument, the name of each grantee in alphabetical order, the name of
38 the grantor, the date of the instrument, the time of recording, the kind of instrument, the book
39 and page, and a brief description;

40 (d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of
41 trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall
42 show the entry number of the instrument, the name of each mortgagor, debtor, or person
43 charged with the encumbrance in alphabetical order, the name of the mortgagee, lien holder,
44 creditor, or claimant, the date of the instrument, the time of recording, the instrument,
45 consideration, the book and page, and a brief description;

46 (e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of
47 trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall
48 show the entry number of the instrument, the name of each mortgagee, lien holder, creditor, or
49 claimant, in alphabetical order, the name of the mortgagor or person charged with the
50 encumbrance, the date of the instrument, the time of recording, the kind of instrument, the
51 consideration, the book and page, and a brief description;

52 (f) subject to Subsection (3), keep a tract index, which shall show by description every
53 instrument recorded, the date and the kind of instrument, the time of recording, and the book
54 and page and entry number;

55 (g) keep an index of recorded maps, plats, and subdivisions;

56 (h) keep an index of powers of attorney showing the date and time of recording, the
57 book, the page, and the entry number;

58 (i) keep a miscellaneous index, in which the recorder shall enter all instruments of a
59 miscellaneous character not otherwise provided for in this section, showing the date of
60 recording, the book, the page, the entry number, the kind of instrument, from, to, and the
61 parties;

62 (j) keep an index of judgments showing the judgment debtors, the judgment creditors,
63 the amount of judgment, the date and time of recording, the satisfaction, and the book, the
64 page, and the entry number; [~~and~~]

65 (k) keep a general recording index in which the recorder shall index all executions and
66 writs of attachment, and any other instruments not required by law to be spread upon the
67 records, and in separate columns the recorder shall enter the names of the plaintiffs in the
68 execution and the names of the defendants in the execution[;]; and

69 (l) keep an index of water right numbers that are included on an instrument recorded on
70 or after May 13, 2014, showing the date and time of recording, the book and the page or the
71 entry number, and the kind of instrument.

72 (2) The recorder shall alphabetically arrange the indexes required by this section and
73 keep a reverse index.

74 (3) (a) The tract index required by Subsection (1)(f) shall be kept so that it shows a true
75 chain of title to each tract or parcel, together with each encumbrance on the tract or parcel,
76 according to the records of the office.

77 (b) A recorder shall abstract an instrument in the tract index unless:

78 (i) the instrument is required to contain a legal description under Section 17-21-20 or
79 Section 57-3-105 and does not contain that legal description; or

80 (ii) the instrument contains errors, omissions, or defects to the extent that the tract or
81 parcel to which the instrument relates cannot be determined.

82 (c) If a recorder abstracts an instrument in the tract index or another index required by
83 this section, the recorder may:

84 (i) use a tax parcel number;

85 (ii) use a site address;

- 86 (iii) reference to other instruments of record recited on the instrument; or
87 (iv) reference another instrument that is recorded concurrently with the instrument.
88 (d) A recorder is not required to go beyond the face of an instrument to determine the
89 tract or parcel to which an instrument may relate.
90 (e) A person may not bring an action against a recorder for injuries or damages
91 suffered as a result of information contained in an instrument recorded in a tract index or other
92 index that is required by this section despite errors, omissions, or defects in the instrument.
93 (f) The fact that a recorded instrument described in Subsection (3)(e) is included in the
94 tract index does not cure a failure to give public notice caused by an error, omission, or defect.
95 (g) A document that is indexed in all or part of the indexes required by this section
96 shall give constructive notice.
97 (4) Nothing in this section prevents the recorder from using a single name index if that
98 index includes all of the indexes required by this section.