Real Property Recording Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill addresses the recording of real estate documents.

Highlighted Provisions:

This bill:

- provides that a county recorder may record a document without acknowledgment or jurat, if the document has the Great Seal affixed by the lieutenant governor; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-71-402, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

57-1-1, as last amended by Laws of Utah 2025, Chapter 399

57-4a-3, as last amended by Laws of Utah 1989, Chapter 88

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

Section 1. Section **17-71-402** is amended to read:

17-71-402 . Recording required -- County recorder may impose requirements on documents to be recorded -- Requirements for recording local entity plat -- Point of the Mountain State Land Authority plat.

(1) Subject to Subsections (3), (4), and (5), a county recorder shall record each paper, notice, and instrument required by law to be recorded in the office of the county recorder unless otherwise provided.

(2)(a) Beginning on or before January 1, 2022, each county shall accept and provide for

the electronic recording of instruments.

(b) Beginning on or before January 1, 2023, each county shall:

(i) provide for the electronic recording of a plat; and

(ii) accept an electronic document for the recording of a plat.

(3) Subject to Part 6, Uniform Real Property Electronic Recording Act, each document that is submitted for recording to a county recorder's office shall:

(a) unless otherwise provided by law, be an original or certified copy of the document;

(b) be in English or be accompanied by an accurate English translation of the document;

(c) contain a brief title, heading, or caption on the first page stating the nature of the document;

(d) except as otherwise provided by statute, contain the legal description of the property that is the subject of the document in accordance with Subsection 57-3-105(4);

(e) comply with the requirements of Section 17-71-403 and Subsections 57-3-105(1) and (2);

(f) [~~except as otherwise provided by statute, ~~]be notarized with the notary stamp with the seal legible, unless:

(i) otherwise provided by statute; or

(ii) the lieutenant governor has affixed the Great Seal in accordance with Subsection 67-1a-2(1)(f); and

(g) have original signatures.

(4)(a) Subject to Part 6, Uniform Real Property Electronic Recording Act, a county recorder may require that each paper, notice, and instrument submitted for recording in the county recorder's office:

(i) be on white paper that is 8-1/2 inches by 11 inches in size;

(ii) have a margin of one inch on the left and right sides and at the bottom of each page;

(iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner of the first page and a margin of one inch at the top of each succeeding page;

(iv) not be on sheets of paper that are continuously bound together at the side, top, or bottom;

(v) not contain printed material on more than one side of each page;

(vi) be printed in black ink and not have text smaller than seven lines of text per vertical inch; and

(vii) be sufficiently legible to make certified copies.

(b) A county recorder who intends to establish requirements under Subsection (4)(a) shall first:

(i) provide formal notice of the requirements; and

(ii) establish and publish an effective date for the requirements that is at least three months after the formal notice under Subsection (4)(b)(i).

(5)(a) To facilitate the abstracting of an instrument to which a tax identification number is assigned, a county recorder may require that the applicable tax identification number of each parcel described in the instrument be noted on the instrument before the county recorder accepts the instrument for recording.

(b) If a county recorder requires the applicable tax identification number to be on an instrument before the instrument may be recorded:

(i) the county recorder shall post a notice of that requirement in a conspicuous place at the recorder's office;

(ii) the tax identification number may not be considered to be part of the legal description and may be indicated on the margin of the instrument; and

(iii) an error in the tax identification number does not affect the validity of the instrument or effectiveness of the recording.

(6) Subsections(3), (4), and (5) do not apply to:

(a) a map or plat;

(b) a certificate or affidavit of death that a government agency issues;

(c) a military discharge or other record that a branch of the United States military service issues;

(d) a document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury;

(e) a document submitted for recording that has been filed with a court and conforms to the formatting requirements established by the court; or

(f) a document submitted for recording that is in a form required by law.

(7)(a) A person may not submit to a county recorder for recording a plat depicting the boundary of a local entity as the boundary exists as a result of a boundary action, unless:

(i) the plat has been approved under Section 17-73-507 by the county surveyor as a final local entity plat, as defined in Section 17-73-101; and

(ii) the person also submits for recording:

(A) the original notice of an impending boundary action, as defined in Section

67-1a-6.5, for the boundary action for which the plat is submitted for recording;

(B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is submitted for recording; and

(C) each other document required by statute to be submitted for recording with the notice of an impending boundary action and applicable certificate.

(b) Promptly after recording the documents described in Subsection (7)(a) relating to a boundary action, but no later than 10 days after the day on which the county recorder records those documents, the county recorder shall send a copy of all those documents to the State Tax Commission.

(8) The county recorder for a county of the first class shall record a plat submitted by the Point of the Mountain State Land Authority, created in Section 11-59-201, for point of the mountain state land if the submitted plat:

(a) is in a recordable and legible format; and

(b) includes:

(i) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(ii) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the authority will use any parcel of ground as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;

(iii) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, and acreage or square footage for all parcels, units, or lots;

(iv) every existing right-of-way and recorded easement located within the plat for:

(A) an underground facility;

(B) a water conveyance facility; or

(C) any other utility facility; and

(v) any water conveyance facility located, entirely or partially, within the plat that:

(A) is not recorded; and

(B) of which the authority has actual or constructive knowledge, including from information made available to the authority in the state engineer's inventory of canals or from a surveyor.

Section 2. Section **57-1-1** is amended to read:

57-1-1 . Definitions.

As used in this title:

(1) "Certified copy" means a duplicate of a document:

(a) certified by [~~its~~] the document's custodian to be a true and correct copy of the document; or

(b) maintained under the authority of the United States, the state, a political subdivision of the state, another state, a court of record, a foreign government, or an Indian tribe.

(2) "Document" means every instrument in writing, including every conveyance, affecting, purporting to affect, describing, or otherwise concerning any right, title, or interest in real property, except wills and leases for a term not exceeding one year.

(3) "Indian tribe" means the same as that term is defined in Section 9-9-101.

(4) "Person" means an individual, corporation, business trust, estate, trust, public entity, or any other legal or commercial entity.

(5) "Public entity" means:

(a) the United States, including an agency of the United States;

(b) the state, including an agency or department of the state;

(c) a political subdivision, including a county, municipality, school district, special district, special service district, community reinvestment agency, or interlocal cooperation entity; or

(d) an Indian tribe.

(6) "Public entity affidavit" means a notarized affidavit:

(a) signed by an authorized employee or officer of a public entity; and

(b) evidencing consent to a conveyance of real property by deed to the public entity.

(7) "Real property" or "real estate" means any right, title, estate, or interest in land, including:

(a) all nonextracted minerals located in, on, or under the land;

(b) all buildings, fixtures and improvements on the land; and

(c) all water rights, rights-of-way, easements, rents, issues, profits, income, tenements, hereditaments, possessory rights, claims including mining claims, privileges, and appurtenances belonging to, used, or enjoyed with the land or any part of the land.

(8) "Stigmatized" means:

(a) the site or suspected site of a homicide, other felony, or suicide;

(b) the dwelling place of [~~a person~~] an individual infected, or suspected of being infected, with the Human Immunodeficiency Virus, or any other infectious disease that the [-]

Department of Health and Human Services, created in Section 26B-1-201, determines cannot be transferred by occupancy of a dwelling place; or

(c) property that has been found to be contaminated, and that the local health department has subsequently found to have been decontaminated in accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.

Section 3. Section **57-4a-3** is amended to read:

57-4a-3 . Document recordable without acknowledgment -- Exception.

(1) A document or a certified copy of a document may be recorded without acknowledgment if the document:

[~~(1)~~] (a) [~~it~~]was executed under law existing at the time of execution;

[~~(2)~~] (b) [~~it~~]evidences or affects title to real property; and

[~~(3)~~] (c) [~~it~~]was issued under the authority of:

[~~(a)~~] (i) the United States, another state, a court of record, a foreign government, or an Indian tribe; or

[~~(b) this state or any of its political subdivisions but, any document executed under the authority of this state or any of its political subdivisions after July 1, 1988, may not be recorded unless it includes a certificate of acknowledgement or jurat.~~]

(ii) the state or a political subdivision of the state and the document:

(A) was executed on or before July 1, 1988; or

(B) has affixed the Great Seal in accordance with Subsection 67-1a-2(1)(f).

(2) Except as provided in Subsection (1)(c)(ii), a document or a certified copy of a document executed under the authority of the state or a political subdivision of the state may not be recorded unless it includes a certificate of acknowledgment or jurat.

Section 4. **Effective Date.**

This bill takes effect on May 6, 2026.