

Chapter 21 Recorder

17-21-1 Recorder -- Document custody responsibility -- Electronic submission procedures and guidelines.

The county recorder:

- (1) is custodian of all recorded documents and records required by law to be recorded;
- (2) shall establish policies and procedures that the recorder considers necessary to protect recorded documents and records in the recorder's custody, including determining the appropriate method for the public to obtain copies of the public record under Section 17-21-19 and supervision of those who search and make copies of the public record;
- (3) may establish procedures and guidelines to govern the electronic submission of plats, records, and other documents to the county recorder's office consistent with Title 46, Chapter 4, Uniform Electronic Transactions Act, and Chapter 21a, Uniform Real Property Electronic Recording Act; and
- (4) shall establish procedures to govern the electronic submission of plats, records, and other documents to the county recorder's office consistent with standards established under Chapter 21a, Uniform Real Property Electronic Recording Act, by:
 - (a) if in a county of the first or second class, July 1, 2016;
 - (b) if in a county of the third or fourth class, July 1, 2017; or
 - (c) if in a county of the fifth or sixth class, July 1, 2018.

Amended by Chapter 89, 2014 General Session

17-21-2 Seal.

The county recorder shall have a seal, to be furnished by the county legislative body, the impression of which shall contain the following words: "State of Utah, County Recorder," together with the name of the county in which the same is to be used.

Amended by Chapter 227, 1993 General Session

17-21-3 Original documents or copies of original documents to be kept by the county.

After accepting a document for recording, receiving the fees for recording it, and completing recording procedures, the recorder shall, only if required by statute, keep the original document or a copy of the original document as a public record in a form sufficient to meet the requirements of this chapter.

Amended by Chapter 85, 1999 General Session

17-21-4 Certified copies.

- (1) The county recorder may make and furnish certified photographic copies of any of the records in the office to an interested person who pays the applicable fees and charges.
- (2) The county recorder shall supply certified copies of any of the records to the county officer for the officer's official use without the payment of any fee.

Amended by Chapter 85, 1999 General Session

17-21-5 Receipts for documents received for record.

Upon recording an instrument, the recorder shall, if requested, give a receipt to a person presenting an instrument for recording.

Amended by Chapter 85, 1999 General Session

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;
- (b) keep a grantors' index, in which the recorder shall index deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the entry number of the instrument, the name of each grantor in alphabetical order, the name of the grantee, the date of the instrument, the time of recording, the kind of instrument, the book and page, and a brief description;
- (c) keep a grantees' index, in which the recorder shall index deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the entry number of the instrument, the name of each grantee in alphabetical order, the name of the grantor, the date of the instrument, the time of recording, the kind of instrument, the book and page, and a brief description;
- (d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall show the entry number of the instrument, the name of each mortgagor, debtor, or person charged with the encumbrance in alphabetical order, the name of the mortgagee, lien holder, creditor, or claimant, the date of the instrument, the time of recording, the instrument, consideration, the book and page, and a brief description;
- (e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall show the entry number of the instrument, the name of each mortgagee, lien holder, creditor, or claimant, in alphabetical order, the name of the mortgagor or person charged with the encumbrance, the date of the instrument, the time of recording, the kind of instrument, the consideration, the book and page, and a brief description;
- (f) subject to Subsection (3), keep a tract index, which shall show by description every instrument recorded, the date and the kind of instrument, the time of recording, and the book and page and entry number;
- (g) keep an index of recorded maps, plats, and subdivisions;
- (h) keep an index of powers of attorney showing the date and time of recording, the book, the page, and the entry number;
- (i) keep a miscellaneous index, in which the recorder shall enter all instruments of a miscellaneous character not otherwise provided for in this section, showing the date of recording, the book, the page, the entry number, the kind of instrument, from, to, and the parties;
- (j) keep an index of judgments showing the judgment debtors, the judgment creditors, the amount of judgment, the date and time of recording, the satisfaction, and the book, the page, and the entry number;

- (k) keep a general recording index in which the recorder shall index all executions and writs of attachment, and any other instruments not required by law to be spread upon the records, and in separate columns the recorder shall enter the names of the plaintiffs in the execution and the names of the defendants in the execution; and
 - (l) keep an index of water right numbers that are included on an instrument recorded on or after May 13, 2014, showing the date and time of recording, the book and the page or the entry number, and the kind of instrument.
- (2) The recorder shall alphabetically arrange the indexes required by this section and keep a reverse index.
- (3)
- (a) The tract index required by Subsection (1)(f) shall be kept so that it shows a true chain of title to each tract or parcel, together with each encumbrance on the tract or parcel, according to the records of the office.
 - (b) A recorder shall abstract an instrument in the tract index unless:
 - (i) the instrument is required to contain a legal description under Section 17-21-20 or Section 57-3-105 and does not contain that legal description; or
 - (ii) the instrument contains errors, omissions, or defects to the extent that the tract or parcel to which the instrument relates cannot be determined.
 - (c) If a recorder abstracts an instrument in the tract index or another index required by this section, the recorder may:
 - (i) use a tax parcel number;
 - (ii) use a site address;
 - (iii) reference to other instruments of record recited on the instrument; or
 - (iv) reference another instrument that is recorded concurrently with the instrument.
 - (d) A recorder is not required to go beyond the face of an instrument to determine the tract or parcel to which an instrument may relate.
 - (e) A person may not bring an action against a recorder for injuries or damages suffered as a result of information contained in an instrument recorded in a tract index or other index that is required by this section despite errors, omissions, or defects in the instrument.
 - (f) The fact that a recorded instrument described in Subsection (3)(e) is included in the tract index does not cure a failure to give public notice caused by an error, omission, or defect.
 - (g) A document that is indexed in all or part of the indexes required by this section shall give constructive notice.
- (4) Nothing in this section prevents the recorder from using a single name index if that index includes all of the indexes required by this section.

Amended by Chapter 22, 2014 General Session

17-21-9 Indexing of deeds and other instruments.

Deeds and other instruments affecting real estate made by a United States marshal, a sheriff, master in chancery, special commissioner, executor, administrator, guardian, trustee, or other person acting in behalf of another shall be indexed in the name of the person whose land is sold or affected as grantor.

Amended by Chapter 85, 1999 General Session

17-21-10 Judgments affecting real estate.

- (1) A county recorder shall record for real property, any part of which is located in the county:

- (a) a judgment affecting the real property;
 - (b) a release, assignment, renewal, or extension of a judgment lien affecting the real property; or
 - (c) a certified copy of a final judgment or decree partitioning or affecting the title or possession of the real property.
- (2) A document recorded in accordance with this section is subject to the requirements of Section 57-3-106.

Amended by Chapter 88, 2011 General Session

17-21-11 Notice given by recording.

- (1) Each certified copy from the time of recording gives notice to all persons of the contents of the recorded document.
- (2) Subsequent purchasers, mortgagees, and lien holders purchase and encumber with the same notice and effect as if the certified copy was the original document.

Amended by Chapter 85, 1999 General Session

17-21-12 Recording procedures -- Endorsements of entry number required on documents.

- (1) When a document is accepted by the recorder's office for recording, the recorder shall:
 - (a) endorse upon the first page of the document an entry number and the time when the document was accepted, noting the year, month, day, hour, and minute of its reception, and the amount of fees for recording it; and
 - (b) record the document during office hours in the order it was accepted.
- (2) Each county recorder shall place an entry number or a book and page reference on each page of a document that the recorder accepts for recording only if the original document or a copy of the document is kept as a public record under Section 17-21-3.
- (3)
 - (a) A county recorder may endorse each document that the recorder accepts for recording with a book and page reference.
 - (b) If a county recorder elects not to endorse a document with a book and page reference, the book and page reference may be omitted:
 - (i) in each index required by statute; and
 - (ii) on each document presented for recording that is required to recite recording data.
- (4) Subject to Section 17-21-3, the county recorder shall return the document to the person that the recorder considers appropriate.

Amended by Chapter 97, 2008 General Session

17-21-14 Military records -- Evidence.

- (1) Upon presentation, the county recorder shall:
 - (a) record, free of charge, discharges from the military, naval, or marine service of the United States, and any and all orders, citations, and decorations of honor relating to a person while the person was in the military, naval, or marine service of the United States; and
 - (b) furnish, free of charge, certified copies of any of those records to the person to whom they relate and to the father, mother, brothers, sisters, or any lineal descendant of that person.
- (2) Those certified copies may be read in evidence with the same effect as the original in any action or proceeding before any court, commission, or other tribunal in this state.

Amended by Chapter 85, 1999 General Session

17-21-16 Acknowledgments and administrations of oaths.

County recorders may take and certify acknowledgments and administer oaths.

No Change Since 1953

17-21-17 Prohibited acts.

- (1) Upon acceptance of an instrument entitled to be recorded, the recorder may not:
 - (a) record the instrument in any manner other than the manner required by this chapter; or
 - (b) alter, change, obliterate, or insert any new matter in any instrument of record.
- (2) A recorder does not violate this section by:
 - (a) denying access to:
 - (i) an instrument of record that has been classified as private under Section 63G-2-302; or
 - (ii) a portion of an instrument of record that has been classified as private under Section 63G-2-302; or
 - (b) placing an endorsement, reference, or other note on a document in the course of the recorder's work.

Amended by Chapter 382, 2008 General Session

17-21-18 Fees must be paid in advance.

The recorder may not record any instrument, furnish any copies, or provide any service connected with the office, until the fees prescribed by law have been paid.

Amended by Chapter 85, 1999 General Session

17-21-18.5 Fees of county recorder.

- (1) The county recorder shall receive the following fees:
 - (a) for recording any instrument, not otherwise provided for, other than bonds of public officers, \$10;
 - (b) for recording any instrument, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided for, \$10 for the first page and \$2 for each additional page, and if an instrument contains more than one description, \$1 for each additional description;
 - (c) for recording a right-of-way connected with or appurtenant to any tract of land described in the instrument, \$1, but if the instrument contains a description of more than one right-of-way, \$1 for each additional right-of-way, and if an instrument contains more than two names for either the first or second party, or the plaintiffs or defendants, \$1 for each additional name;
 - (d) for recording mining location notices and affidavits of labor affecting mining claims, \$10 for the first page and \$2 for each additional page; and
 - (e) for a location notice, affidavit, or proof of labor which contains names of more than two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains more than one mining claim, \$1 for each additional mining claim.
- (2)
 - (a) Each county recorder shall record the mining rules of the several mining districts in each county without fee.

- (b) Certified copies of these records shall be received in all tribunals and before all officers of this state as prima facie evidence of the rules.
- (3) The county recorder shall receive the following fees:
 - (a) for copies of any record or document, a reasonable fee as determined by the county legislative body;
 - (b) for each certificate under seal, \$5;
 - (c) for recording any plat, \$30 for each sheet and \$1 for each lot or unit designation;
 - (d) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2 for each additional name;
 - (e) for recording any license issued by the Division of Occupational and Professional Licensing, \$10; and
 - (f) for recording a federal tax lien, \$10, and for the discharge of the lien, \$10.
- (4)
 - (a) For recording a document that is subject to and complies with the Real Estate Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq. for a residential property constructed for at least one family but no more than four families, the county recorder shall receive:
 - (i) \$14 for each deed of conveyance;
 - (ii) \$40 for each deed of trust; and
 - (iii) \$14 for each assignment of a deed of trust when recorded concurrently with the assigned deed of trust.
 - (b) If a person submits for recording a document described in Subsection (4)(a), the person shall notify the county recorder by including the word "RESPA" in at least 16 point font on the front page of each document.
 - (c) A county recorder is not required to:
 - (i) refund a fee described in Subsection (4)(a); or
 - (ii) change a fee amount shown on a recorded document if the fee described in Subsection (4)(a) is not collected at the time of recording.
 - (d) A county recorder may examine a document recorded under this Subsection (4) for compliance with the Real Estate Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq.
- (5) In addition to any other fee that the county recorder is authorized to charge and collect, if a county recorder is required to comply with the standards established under Chapter 21a, Uniform Real Property Electronic Recording Act, the county recorder may charge and collect from a person who submits an electronic document, as defined in Section 17-21a-102, for recording, a surcharge that:
 - (a) is calculated to recover the additional costs of complying with Chapter 21a, Uniform Real Property Electronic Recording Act; and
 - (b) may not exceed 10% of the cost before the surcharge.
- (6) The county may determine and collect a fee for all services not enumerated in this section.
- (7) A county recorder may not be required to collect a fee for services that are unrelated to the county recorder's office.

Amended by Chapter 89, 2014 General Session

17-21-19 Records open to inspection -- Copies.

- (1) Unless otherwise classified as private under Section 63G-2-302, all instruments of record and all indexes required by this chapter are open to public inspection during office hours.
- (2) Upon payment of the applicable fee, a person may obtain copies of a public record.

Amended by Chapter 382, 2008 General Session

17-21-20 Recording required -- Recorder may impose requirements on documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents -- Recorder may require tax serial number -- Exceptions -- Requirements for recording final local entity plat.

- (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument required by law to be recorded in the office of the county recorder shall be recorded unless otherwise provided.
- (2) Subject to Chapter 21a, 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;
 - (e) comply with the requirements of Section 17-21-25 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; and
 - (g) have original signatures.
- (3)
 - (a) Subject to Chapter 21a, 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 (3)(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 (3)(b)(i).
 - (c) If a county recorder establishes requirements under this Subsection (3), the county recorder may charge and collect from persons who submit a document for recording that does not comply with the requirements, in addition to any other fee that the county recorder is authorized to charge and collect, a fee that:
 - (i) is calculated to recover the additional cost of handling and recording noncomplying documents; and
 - (ii) may not exceed \$2 per page.
- (4)
 - (a) To facilitate the abstracting of an instrument, a county recorder may require that the applicable tax serial number of each parcel described in the instrument be noted on the instrument before it may be accepted for recording.
 - (b) If a county recorder requires the applicable tax serial number to be on an instrument before it 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 serial 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 serial number does not affect the validity of the instrument or effectiveness of the recording.
- (5) Subsections (2), (3), and (4) do not apply to:
- (a) a map;
 - (b) a certificate or affidavit of death;
 - (c) a military discharge;
 - (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.
- (6)
- (a) As used in this Subsection (6):
 - (i) "Boundary action" has the same meaning as defined in Section 17-23-20.
 - (ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
 - (b) 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 17-23-20 by the county surveyor as a final local entity plat, as defined in Section 17-23-20; 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.
 - (c) Promptly after recording the documents described in Subsection (6)(b) relating to a boundary action, but no later than 10 days after recording, the county recorder shall send a copy of all those documents to the State Tax Commission.

Amended by Chapter 89, 2014 General Session

17-21-21 Ownership plats -- Use of geographic information systems or computer systems.

- (1) The county recorder shall prepare and keep ownership plats drawn to a convenient scale, which show the record owners of each tract of land in the county, together with the dimensions of the tract.
- (2) The county recorder may not be required to:
 - (a) show ownership of timeshare units or timeshare estates on ownership plats; or
 - (b) show lot or unit ownership on subdivisions or condominium plats or other ownership plats if that information is available through computer systems or other indexes.
- (3) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Amended by Chapter 241, 2001 General Session

17-21-22 Annual revision -- Reporting changes in ownership to county assessors -- Use of geographic information systems or computer systems.

- (1) The county recorder shall:
 - (a) each year, prepare copies of ownership plats and descriptions, showing record owners at noon on January 1;
 - (b) on or before January 30 of each year, transmit the copies to the county assessor;
 - (c) report all changes in recorded ownership of real property made during the first seven months of each calendar year to the county assessor not later than August 15 of that year;
 - (d) for the remainder of the calendar year, report the changes in the ownership of real property that are recorded in the county recorder's office each month on or before the 15th day of the month following the month in which the changes were recorded;
 - (e) transmit the changes of ownership on appropriate forms that show the current owner's name and a full legal description of the property conveyed; and
 - (f) where only a part of the grantor's property is conveyed, transmit an additional form showing a full legal description of the portion retained.
- (2) Nothing in this chapter precludes the use of geographic information systems or computer systems by the recorder if the systems include all of the information required by this section.

Amended by Chapter 291, 2002 General Session

17-21-25 Names of persons signing to be typed or printed on instruments presented for recording.

- (1)
 - (a) Each instrument presented to the county recorder for recording shall have typed or printed on it the name of each person whose signature appears on the instrument whose name is required to be indexed.
 - (b) The person's typed or printed name shall appear just beneath that person's signature.
- (2) The requirements of Subsection (1) do not affect the legality of the instrument to be recorded.

Amended by Chapter 38, 2006 General Session