

1                                   **STANDARDIZING DOCUMENTS FILED WITH**  
2                                   **THE COUNTY RECORDER**

3                                   2006 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Craig A. Frank**

6                                   Senate Sponsor: \_\_\_\_\_

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8 **LONG TITLE**

9 **General Description:**

10                   This bill modifies provisions relating to county recorders.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ establishes requirements for documents submitted for recording with the county  
14 recorder's office;
- 15                   ▶ authorizes county recorders to establish certain standards for documents submitted  
16 for recording with the county recorder's office;
- 17                   ▶ requires a county recorder who intends to establish those standards to provide notice  
18 and an effective date at least three months after the notice;
- 19                   ▶ authorizes county recorders to charge and collect an additional fee for documents  
20 that fail to comply with formatting requirements;
- 21                   ▶ provides exceptions to the requirements for certain documents;
- 22                   ▶ requires the typed or printed name of a signer of a recorded document to be beneath  
23 the signature; and
- 24                   ▶ makes technical changes.

25 **Monies Appropriated in this Bill:**

26                   None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17-21-20**, as last amended by Chapter 173, Laws of Utah 2000

32 **17-21-25**, as last amended by Chapter 85, Laws of Utah 1999



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

35 Section 1. Section **17-21-20** is amended to read:

36 **17-21-20. Recording required -- Recorder may require tax serial number.**

37 (1) Subject to Subsection (2), each paper, notice, and instrument required by law to be  
38 filed in the office of the county recorder shall be recorded unless otherwise provided.

39 (2) Each document that is submitted for recording to a county recorder's office shall:

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

41 (b) be in English;

42 (c) contain a return address in the upper left-hand side of the first page;

43 (d) contain the mailing address of the grantee, if the document is a conveyance;

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

46 (f) contain the legal description of the property that is the subject of the document;

47 (g) be notarized with the notary stamp and seal legible and in purple ink; and

48 (h) have original signatures.

49 (3) (a) A county recorder may require that each paper, notice, and instrument submitted  
50 for recording in the county recorder's office:

51 (i) be on white, 20-pound paper that is 8-1/2 inches by 11 inches in size;

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

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

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

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

59 (vi) be printed in black ink and not have text smaller than the equivalent of a 10-point  
60 Times New Roman font or more than seven lines of text per vertical inch; and

61 (vii) be sufficiently legible to make certified copies.

62 (b) A county recorder who intends to establish requirements under Subsection (3)(a)  
63 shall first:

64 (i) provide formal notice of the requirements; and

65 (ii) establish and publish an effective date for the requirements that is at least three  
66 months after the formal notice under Subsection (3)(b)(i).

67 (c) If a county recorder establishes requirements under this Subsection (3), the county  
68 recorder may charge and collect from persons who submit a document for recording that does  
69 not comply with the requirements, in addition to any other fee that the county recorder is  
70 authorized to charge and collect, a fee that is calculated to approximate the additional cost of  
71 handling and recording noncomplying documents.

72 ~~[(2)]~~ (4) (a) To facilitate the abstracting of an instrument, a county recorder may  
73 require that the applicable tax serial number of each parcel affected by the instrument appear  
74 on each instrument before it may be accepted for recording.

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

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

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

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

83 (5) Subsections (2), (3), and (4) do not apply to:

84 (a) a map;

85 (b) a certificate or affidavit of death;

86 (c) a military discharge;

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

89 (e) a document submitted for recording that has been filed with a court and conforms to

90 the formatting requirements established by the court.

91 Section 2. Section **17-21-25** is amended to read:

92 **17-21-25. Names of persons signing to be typed or printed on instruments**  
93 **presented for recording.**

94 (1) [~~All instruments~~] (a) Each instrument presented to the county recorder for  
95 recording shall have typed or printed on [~~them the names of all persons whose signatures~~  
96 ~~appear~~] it the name of each person whose signature appears on the instrument whose [~~names~~  
97 ~~are~~] name is required to be indexed.

98 (b) The typed or printed name shall appear beneath the signature of the person signing  
99 the instrument.

100 (2) The requirements of Subsection (1) do not affect the legality of the instrument to be  
101 recorded.

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**Legislative Review Note**  
**as of 1-30-06 11:00 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0448**

**Standardizing Documents Filed with the County Recorder**

*03-Feb-06*

*4:49 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**