

Representative Craig A. Frank proposes the following substitute bill:

STANDARDIZING DOCUMENTS FILED WITH

THE COUNTY RECORDER

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: Thomas V. Hatch

LONG TITLE

General Description:

This bill modifies provisions relating to county recorders.

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill coordinates with S.B. 99 by providing superseding amendments.

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

33

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]~~ Subsections (2), (3), and (4), each paper, notice, and
38 instrument required by law to be filed in the office of the county recorder shall be recorded
39 unless otherwise provided.

40 (2) Each document that is submitted for recording to a county recorder's office on or
41 after July 1, 2006 shall:

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

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

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

47 (d) contain the legal description of the property that is the subject of the document;

48 (e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1)
49 and (2);

50 (f) be notarized with the notary stamp and seal legible; and

51 (g) have original signatures.

52 (3) (a) Beginning July 1, 2006, a county recorder may require that each paper, notice,
53 and instrument submitted for recording in the county recorder's office:

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

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

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

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

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

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

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

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

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

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

70 (c) If a county recorder establishes requirements under this Subsection (3), the county
71 recorder may charge and collect from persons who submit a document for recording that does
72 not comply with the requirements, in addition to any other fee that the county recorder is
73 authorized to charge and collect, a fee that:

74 (i) is calculated to recover the additional cost of handling and recording noncomplying
75 documents; and

76 (ii) may not exceed \$25.

77 ~~[(2)]~~ (4) (a) To facilitate the abstracting of an instrument, a county recorder may
78 require that the applicable tax serial number of each parcel affected by the instrument appear
79 on each instrument before it may be accepted for recording.

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

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

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

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

- 88 (5) Subsections (2), (3), and (4) do not apply to:
- 89 (a) a map;
- 90 (b) a certificate or affidavit of death;
- 91 (c) a military discharge;
- 92 (d) a document regarding taxes that is issued by the Internal Revenue Service of the
- 93 United States Department of the Treasury;
- 94 (e) a document submitted for recording that has been filed with a court and conforms to
- 95 the formatting requirements established by the court; or
- 96 (f) a document submitted for recording that is in a form required by law.

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

98 **17-21-25. Names of persons signing to be typed or printed on instruments**
99 **presented for recording.**

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

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

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

108 Section 3. **Coordinating H.B. 448 with S.B. 99 -- Superseding amendments.**

109 If this H.B. 448 and S.B. 99, County Recorder Amendments, both pass, it is the intent
110 of the Legislature that the amendments to Section 17-21-25 in this bill supersede the
111 amendments to Section 17-21-25 in S.B. 99 when the Office of Legislative Research and
112 General Counsel prepares the Utah Code database for publication.

Fiscal Note

Standardizing Documents Filed with the County Recorder

*10-Feb-06***Bill Number HB0448S01***10:30 AM*

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst