

COUNTY RECORDER AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David L. Thomas

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill modifies provisions relating to counties.

Highlighted Provisions:

This bill:

- ▶ provides that a county recorder does not violate the law by placing certain information on a document;
- ▶ modifies provisions related to county recorder fees;
- ▶ requires a person's typed or printed name on a recorded document to appear just beneath the person's signature; and
- ▶ modifies a provision related to termination of a joint tenancy, tenancy by the entirety, life estate, or determinable or conditional interest to require an affidavit to be recorded in the county recorder's office in order to terminate the interest.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 17-21-17**, as last amended by Chapter 191, Laws of Utah 2002
- 17-21-18.5**, as last amended by Chapter 211, Laws of Utah 2003
- 17-21-25**, as last amended by Chapter 85, Laws of Utah 1999
- 57-1-5.1**, as enacted by Chapter 320, Laws of Utah 2000

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **17-21-17** is amended to read:33 **17-21-17. Prohibited acts.**

34 (1) Upon acceptance of an instrument entitled to be recorded, the recorder may not:

35 (a) record the instrument in any manner other than the manner required by this chapter;

36 or

37 (b) alter, change, obliterate, or insert any new matter in any instrument of record.

38 [~~(2) It is not a prohibited act under this section when a recorder denies access to:~~]39 (2) A recorder does not violate this section by:40 (a) denying access to:41 ~~[(a)]~~ (i) an instrument of record that has been classified as private under Section

42 63-2-302; or

43 ~~[(b)]~~ (ii) a portion of an instrument of record that has been classified as private under

44 Section 63-2-302[-]; or

45 (b) placing an endorsement, reference, or other note on a document in the course of the
46 recorder's work.47 Section 2. Section **17-21-18.5** is amended to read:48 **17-21-18.5. Fees of county recorder.**

49 (1) The county recorder shall receive the following fees:

50 (a) for ~~[receiving, entering, and filing]~~ recording any instrument, ~~[paper, or notice,]~~ not
51 otherwise provided for, other than bonds of public officers, \$10;52 (b) for recording any instrument, ~~[paper, or notice,]~~ including those provided for under
53 Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise
54 provided for, \$10 for the first page~~[, if the page is not larger than 8-1/2 inches x 14 inches in~~
55 ~~size,]~~ and \$2 for each additional page, and if ~~[any]~~ an instrument~~[, paper, or notice]~~ contains
56 more than one description, \$1 for each additional description;57 (c) for recording ~~[any instrument in which]~~ a right-of-way ~~[is described, which is]~~

58 connected with or [is] appurtenant to any tract of land described in the instrument, \$1, but if the
59 instrument contains a description of more than one right-of-way, \$1 for each additional
60 right-of-way, and if [any] an instrument contains more than two names for either the first or
61 second party, or the plaintiffs or defendants, \$1 for each additional name~~[-\$1];~~

62 (d) for recording~~[-indexing, and abstracting]~~ mining location notices~~[-and recording,~~
63 ~~indexing,]~~ and ~~[abstracting]~~ affidavits of labor affecting mining claims, \$10 for the first page
64 ~~[if that page is not larger than 8-1/2 inches by 14 inches in size,]~~ and \$2 for each additional
65 page; and

66 (e) for a location notice, affidavit, or proof of labor which contains names of more than
67 two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains
68 more than one mining claim, \$1 for each additional mining claim.

69 (2) (a) Each county recorder shall record the mining rules of the several mining
70 districts in each county without fee.

71 (b) Certified copies of these records shall be received in all tribunals and before all
72 officers of this state as prima facie evidence of the rules.

73 (3) The county recorder shall receive the following fees:

74 (a) for copies of any record or document, a reasonable fee as determined by the county
75 legislative body;

76 (b) for each certificate under seal, \$5;

77 (c) for recording any plat ~~[of a subdivision into lots and blocks, \$1 for each lot, and],~~
78 \$30 for each sheet and \$1 for each lot or unit designation;

79 ~~[(d) for recording any other plat or map, \$30 for each sheet and \$1 for each lot or unit~~
80 ~~designation;]~~

81 ~~[(e)]~~ (d) for taking and certifying acknowledgments, including seal, \$5 for one name
82 and \$2 for each additional name;

83 ~~[(f)]~~ (e) for recording any license issued by the Division of Occupational and
84 Professional Licensing, \$10; and

85 ~~[(g)]~~ (f) for ~~[filing of]~~ recording a federal tax lien, \$10, and for the discharge of the

86 lien, \$10.

87 (4) The county may determine and collect a fee for all services not enumerated in this
88 section.

89 (5) A county recorder may not be required to collect a fee for services that are
90 unrelated to the county recorder's office.

91 Section 3. 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) (a) ~~[All instruments]~~ Each instrument presented to the county recorder for recording
95 shall have typed or printed on ~~[them]~~ it the ~~[names]~~ name of ~~[all persons]~~ each person whose
96 ~~[signatures appear]~~ signature appears on the instrument whose ~~[names are]~~ name is required to
97 be indexed.

98 (b) The person's typed or printed name shall appear just beneath that person's signature.

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

101 Section 4. Section **57-1-5.1** is amended to read:

102 **57-1-5.1. Termination of an interest in real estate -- Affidavit.**

103 (1) ~~[A document evidencing the termination of joint]~~ Joint tenancy, tenancy by the
104 entirety, life estate, or determinable or conditional interest in real estate ~~[may not be recorded~~
105 ~~unless it is]~~ may be terminated by an affidavit that meets the requirements of Subsection (2)
106 which shall be recorded in the office of the recorder of the county in which the affected
107 property is located.

108 (2) ~~[The]~~ Each affidavit required by Subsection (1) shall:

109 (a) cite the interest which is being terminated;

110 (b) contain a legal description of the real property that is affected;

111 (c) reference the entry number and the book and page of the instrument creating the
112 interest to be terminated; and

113 (d) if the termination is the result of a death, have attached as an exhibit, a copy of the

114 death certificate or other document witnessing the death.