

**STANDARDIZING DOCUMENTS FILED WITH
COUNTY RECORDER**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: Mark B. Madsen

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; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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.

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

(2) Each document executed on or after July 1, 2007 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) 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) be notarized with the notary stamp with the seal legible; and

(g) have original signatures.

(3) (a) Beginning September 1, 2007, 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;

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

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

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

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

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

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

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

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

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

75 (ii) may not exceed \$2 per page.

76 [~~2~~] (4) (a) To facilitate the abstracting of an instrument, a county recorder may
77 require that the applicable tax serial number of each parcel affected by the instrument appear
78 on each instrument before it may be accepted for recording.

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

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

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

85 (iii) an error in the tax serial number does not affect the validity of the instrument or

86 effectiveness of the recording.

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

88 (a) a map;

89 (b) a certificate or affidavit of death;

90 (c) a military discharge;

91 (d) a document regarding taxes that is issued by the Internal Revenue Service of the

92 United States Department of the Treasury;

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

94 the formatting requirements established by the court; or

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