

COUNTY RECORDER INDEX AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Ralph Okerlund

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

General Description:

This bill amends Title 17, Chapter 21, Recorder.

Highlighted Provisions:

This bill:

- requires county recorders to keep an index of certain water right numbers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-21-6, as last amended by Laws of Utah 2011, Chapter 88

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

Section 1. Section **17-21-6** is amended to read:

17-21-6. General duties of recorder -- Records and indexes.

(1) Each recorder shall:



28 (a) keep an entry record, in which the recorder shall, upon acceptance and recording of
29 any instrument, enter the instrument in the order of its recording, the names of the parties to the
30 instrument, its date, the hour, the day of the month and the year of recording, and a brief
31 description, and endorse upon each instrument a number corresponding with the number of the
32 entry;

33 (b) keep a grantors' index, in which the recorder shall index deeds and final judgments
34 or decrees partitioning or affecting the title to or possession of real property, which shall show
35 the entry number of the instrument, the name of each grantor in alphabetical order, the name of
36 the grantee, the date of the instrument, the time of recording, the kind of instrument, the book
37 and page, and a brief description;

38 (c) keep a grantees' index, in which the recorder shall index deeds and final judgments
39 or decrees partitioning or affecting the title to or possession of real property, which shall show
40 the entry number of the instrument, the name of each grantee in alphabetical order, the name of
41 the grantor, the date of the instrument, the time of recording, the kind of instrument, the book
42 and page, and a brief description;

43 (d) keep a mortgagors' index, in which the recorder shall enter all mortgages, deeds of
44 trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall
45 show the entry number of the instrument, the name of each mortgagor, debtor, or person
46 charged with the encumbrance in alphabetical order, the name of the mortgagee, lien holder,
47 creditor, or claimant, the date of the instrument, the time of recording, the instrument,
48 consideration, the book and page, and a brief description;

49 (e) keep a mortgagees' index, in which the recorder shall enter all mortgages, deeds of
50 trust, liens, and other instruments in the nature of an encumbrance upon real estate, which shall
51 show the entry number of the instrument, the name of each mortgagee, lien holder, creditor, or
52 claimant, in alphabetical order, the name of the mortgagor or person charged with the
53 encumbrance, the date of the instrument, the time of recording, the kind of instrument, the
54 consideration, the book and page, and a brief description;

55 (f) subject to Subsection (3), keep a tract index, which shall show by description every
56 instrument recorded, the date and the kind of instrument, the time of recording, and the book
57 and page and entry number;

58 (g) keep an index of recorded maps, plats, and subdivisions;

59 (h) keep an index of powers of attorney showing the date and time of recording, the
60 book, the page, and the entry number;

61 (i) keep a miscellaneous index, in which the recorder shall enter all instruments of a
62 miscellaneous character not otherwise provided for in this section, showing the date of
63 recording, the book, the page, the entry number, the kind of instrument, from, to, and the
64 parties;

65 (j) keep an index of judgments showing the judgment debtors, the judgment creditors,
66 the amount of judgment, the date and time of recording, the satisfaction, and the book, the
67 page, and the entry number; [~~and~~]

68 (k) keep a general recording index in which the recorder shall index all executions and
69 writs of attachment, and any other instruments not required by law to be spread upon the
70 records, and in separate columns the recorder shall enter the names of the plaintiffs in the
71 execution and the names of the defendants in the execution[~~-~~]; and

72 (l) keep an index of water right numbers that are included on an instrument recorded on
73 or after May 13, 2014, showing the date and time of recording, the book and the page or the
74 entry number, and the kind of instrument.

75 (2) The recorder shall alphabetically arrange the indexes required by this section and
76 keep a reverse index.

77 (3) (a) The tract index required by Subsection (1)(f) shall be kept so that it shows a true
78 chain of title to each tract or parcel, together with each encumbrance on the tract or parcel,
79 according to the records of the office.

80 (b) A recorder shall abstract an instrument in the tract index unless:

81 (i) the instrument is required to contain a legal description under Section 17-21-20 or
82 Section 57-3-105 and does not contain that legal description; or

83 (ii) the instrument contains errors, omissions, or defects to the extent that the tract or
84 parcel to which the instrument relates cannot be determined.

85 (c) If a recorder abstracts an instrument in the tract index or another index required by
86 this section, the recorder may:

87 (i) use a tax parcel number;

88 (ii) use a site address;

89 (iii) reference to other instruments of record recited on the instrument; or

90 (iv) reference another instrument that is recorded concurrently with the instrument.

91 (d) A recorder is not required to go beyond the face of an instrument to determine the
92 tract or parcel to which an instrument may relate.

93 (e) A person may not bring an action against a recorder for injuries or damages
94 suffered as a result of information contained in an instrument recorded in a tract index or other
95 index that is required by this section despite errors, omissions, or defects in the instrument.

96 (f) The fact that a recorded instrument described in Subsection (3)(e) is included in the
97 tract index does not cure a failure to give public notice caused by an error, omission, or defect.

98 (g) A document that is indexed in all or part of the indexes required by this section
99 shall give constructive notice.

100 (4) Nothing in this section prevents the recorder from using a single name index if that
101 index includes all of the indexes required by this section.

Legislative Review Note

as of 11-22-13 10:39 AM

Office of Legislative Research and General Counsel