**RECORDING COMMITTEE**

The Recording, Records Management, and Technology Committee for 2021-2022 includes:

Pam Eckhardt, Bingham – Chairman

Deanna Bramblett, Benewah

Michael Rosedale, Bonner

Kathy Ackerman, Idaho

Donna Atwood, Washington

Lindsey Bratcher, Payette

Shelly Tilton, Gem

Joe Larsen, Cassia

Jason Dixon and Keri Povey, Bannock

Lura Baker, Custer

Camille Messick, Clark

The first goal our committee was tasked with by Sharee was to review and update the Idaho Recorder’s Manual. Pam received suggestions on needed changes. Thanks to Kelli Brassfield with Idaho Association of Counties for reformatting the style of the manual and enabling links to Idaho Code. We identified some easy updates but we need a discussion and input on the following areas. Copies of the code sections are included.

Page 1: Highlighted areas were added for clarification.

Page 3: English changed to England.

Page 5: The word “Notary” added for clarification

**Discussion and Possible Decision needed for the following:**

Page 5: #1 – Examples 1 and 2 are anecdotes for a recorders first day. Are these still good examples? Should we update?

Page 6: #2 – This section on “common law liens” has been repealed. There has been a suggestion to remove the highlighted sentence.

Page 7: #3 – Should this paragraph be removed because of the change in IC §31-3205 (b) (ii) and (iii) allowing the change in fees for documents if they are contained within the same instrument for recording? Are there any documents we would still index under two separate indexes?

Should the highlighted sentence be removed in 3.3.2? **The code section is included in the packet and highlighted for your reference.**

Page 8: #4 – Section 3.4.1 contains three bulleted tasks to endorse a document. The code for bullet two refers to book and page “or instrument number.” The third bullet also refers to the instrument number. **The code sections are included in the packet and highlighted for your reference.**

Can these two bullet points be combined into one sentence stating “The book and page or instrument number” and reference both codes?

Page 8: #5 – Section 3.4.2 refers to the Reception Book. Suggestion was to add “or Electronic Management System” but in looking at the code, there is no reference to the option of an electronic management system. **The code section is included in the packet and highlighted for your reference.**

A suggestion was made to update the code to reflect modern times or maybe just a sentence that clarifies, “electron systems for recording serve as the ‘reception book’ as long as they delineate the names of all parties and the required fields.” What direction should we go?

Page 8: #6 – Section 3.4.4 highlighted sentence refers to required signatures. Are your deputies signing or initialing the “in-person” recordings? See example of the electronic and in-person labels.

Page 8: #7 – Re-Recording Requests. The suggestion has been made to add a sentence before the highlighted sentence such as: “The suggested practice is to cross through the original stamp and write across the top of the page “re-record to correct . . .” and include the reason, such as “re-record to correct legal description” or “re-record to correct name.” It was also suggested to put the original recording number as a reference in the search field. Is there a consensus on this procedure?

A question has been asked about the fee for re-recording. Can we come to a consensus across all counties? See Stephen Grahm’s email. Some are charging the same as the original fee, some are charging $10 +$3 for additional pages. Can we include that decision in the manual?

Page 9: #8 – suggestion to change the sentence to match the wording in code to: *Electronic copies requested* ***on a recurring basis*** *are five cents per page (IC §31-3205(1)(b).* **The code section is included in the packet and highlighted for your reference.**

**Let’s talk about the word recurring! How do we come to a definition we can all agree with?**

The daily reports we all send to the title companies of the recordings are obvious and we all agree with that. What about requests from survey companies, land attorneys, and realtors who say they are asking on a recurring basis every couple of weeks or months and should be charged .05 not $1.00? All only want the documents electronically.

**Here is an example from Pam**: Sentry Dynamics is a company that asks us for digital copies of certain categories of recorded documents every couple of months. They noted our code that they are a recurring requester and only need to pay the .05 per document. Their last invoice was for 175 documents for a total of $8.75. It took the recorder about 3 hours to compile so we did charge them for 1 hour of work. We have followed this practice over the last year and accommodate LandPro Data in the same manner. **What is the consensus of the group on these requests?**

Page 9: #9 – Redacting. Do we need to include a reference to the vital records laws? What about recording of death certificates or divorce decrees? DD 214s are closed to the public but how do you handle death certificates?

Table B: #10 – add “requested on a recurring basis” to match code.

Table B: #11 – Marriage Licenses. This suggestion is from a clerk call on December 29, 2016. The fee for issuing marriage licenses can be $30 according to the following codes:

1. $15 for Domestic Violence Fee per IC 39-5213.
2. $11 per IC 31-3205(k) for “issuing marriage licenses, filing, recording and indexing the certificate of marriage and taking and filing of affidavits.”
3. $1.00 per IC 31-3205(d) to receive a copy of the recorded license (copy for couple prepaid).
4. $1.00 per IC 31-3205(e) to certify the recorded license (certification prepaid).
5. $2.00 per Dept. of Health & Welfare Vital Statistics Rule #16.02.08-501 “Marriage License Recording Fees. The county recorders shall charge a recording fee of $2 for each marriage certificate.”

That is how you can get to $30. Is there consensus to add the additional codes to the table and all counties charge $30?

Table B: #12 – Recording Fees. Update table to just say: “Refer to IC §31-3205 for Recorder’s Fees.”

**Additional Items Suggested to Be Included in the Manual – Go to back of packet.**

1. **References to eRecording and Remote Online Notaries**.

This page is from the PRIA (Property Records Industry Association) document *Land Records Management System Best Practices* page 28 (title page and page 28 included). It has a good description of the eRecording process. Is there a consensus to cite and use this reference in our manual?

Remote Online Notary – ruled by the Idaho Secretary of State in IDAPA 34.04.01. Should we include more on this?

1. **Reference to Prohibition and Removal of Restrictive Covenants IC §55-616**. Phil McGrane sent an email to us from his Assistant Chief Deputy, Katie Reed, that is an excellent summary of this process. Should this be included in the manual and would Phil give permission for us to use the summary presented?

**FINAL THOUGHT:** The presenter for a PRIA (Property Records Industry Association) webinar on December 16, 2021, stated that the Record’s Office is the most trusted office in government. There is a high level of trust from the public when they request a document, it is an authenticated copy of the original because of our system of recording. Let’s keep improving and making our deputy recorders knowledgeable and confident in their duties.