
Idaho Recorder's Manual

**Idaho Association of County
Recorders and Clerks**

EFFECTIVE

AUGUST 8, 2022

Preface

The purpose of this manual is to serve as a reference resource and manual for personnel working in the recorder's office. The manual is somewhat basic in its explanations and is intended to give the reader the Idaho Code sections that should be carefully reviewed to determine specific answers to recording-related questions. This manual is not intended to be an all-inclusive resource or last word on the law. No manual can anticipate varying factual scenarios or be able to stay abreast of changing legal interpretations. The county should always consult with their prosecuting attorney's office about the applicability of a specific law as it relates to recording of documents.

Contents

PREFACE	i
1 OVERVIEW: THE STEP-BY-STEP PROCESS	1
2 BACKGROUND: WHY RECORD DOCUMENTS?	3
2.1 Notice	3
2.2 Office and Duties	3
3 Using this Manual	5
3.1 STEP 1: Check Whether the Document Should be Recorded in your County	5
3.2 STEP 2: Verify that the Document Can be Recorded	5
3.3 STEP 3: Collect Fees	7
3.4 STEP 4: Endorse, Return, Enter Into the Reception Book or Electronic Management System, and Certify Any Copies, When Requested	8
3.5 STEP 6: Handle Re-Recording Requests	8
3.6 STEP 7: Provide Access to the Documents	9
3.7 STEP 8: Remove Documents	10
ADDENDUM	11
A Table A	11
B Table B	16
C Table C	19
D Table D	24

1 OVERVIEW: THE STEP-BY-STEP PROCESS

This edition of this manual presents the issues that a county recorder will face in recording a document in the chronological order in which those issues will arise. The issues are divided into steps and then further into sub-steps. This manual also contains several tables that condense a great deal of information. This manual will probably be most helpful if used 1) by reading through once from beginning to end; and then 2) by referring to specific steps and tables as issues and complications arise on the job. The steps are as follows:

Step 1: Check whether the document should be recorded in your county.

- Table D, "Location of recording" column

Step 2: Verify that the document can be recorded.

- Check if this is one of the documents that you can legally record.
 - Table D, "Document category" and "Document types" columns
- Determine if acknowledgment is required and, if so, whether the document is acknowledged.
- Search the document for any problematic characteristics.
 - Table C

Step 3: Collect fees.

- Figure out the indexing required.
 - Table A: Indices
 - Table D, "Index" column
- Calculate the cost of the indexing and of any other services requested.
 - Table B: Fees for county recorder services

Step 4: Endorse, return, enter into the reception book or **electronic management system**, and certify any copies, when requested.

- Endorse the document.
- Enter the information into the reception book or electronic management system.
- Certify **copies of the document** if requested. *- added*
- Return the document.
 - Table D, "Recorder must keep originals" column

Step 5: Index the documents in each of the appropriate indices.

Step 6: Handle re-recording requests.

Step 7: Provide access to the documents

- Charge appropriate fees.
- Assess whether to allow requestor to use his/her own equipment.
- Redact certain information before providing copies.

Step 8: Remove documents.

Appendix:

- Table A: Indices
- Table B: Fees for county recorder services
- Table C: Characteristics of documents that should not be recorded
- Table D: Master table

This page and the tables may be helpful to print out as a quick desk reference.

2 BACKGROUND: WHY RECORD DOCUMENTS?

If you are new to recording documents, you may wonder why the county clerk's office provides this technical and somewhat complicated service. Originally, the concept of recording did not exist under the common law of **England**. *changed from English* The English common law relied upon the Latin phrase "prior in tempore potior est in jure" (he who is first in time is preferred in right). Eventually, relying upon the police powers of the Constitution, states adopted statutory recording laws to protect their citizens from fraud associated with real property matters. Idaho's basic recording law is found in [Title 55, Chapter 8](#), of the Idaho Code.

2.1 Notice

The main reason why recording is so important is that the proper recording of a document gives the public notice of the content of the document. This principle is known as "constructive notice," and is provided for in [§ 55-811](#), Idaho Code. The Idaho Supreme Court made the following observation about the primary purpose of the recording laws:

The primary purpose of the recording statutes is to give notice to others that an interest is claimed in real property, and thus give protection against bona fide third parties who may be dealing in the same property.

Matheson v. Harris, 98 Idaho 758, 572 P.2d 861, at 864 (1977)

To have received constructive notice, one does not have to have actually seen the recorded document. Instead, the notice comes from the fact that the document could have been discovered by reasonably prudent investigation. Constructive notice can prevent a subsequent grantee of real property from being a "bona fide purchaser for value" (BFP) and can determine the priority between competing lien holders (Idaho Code [§ 55-812](#)). A "bona fide purchaser for value" is someone who acquires an interest in real property without knowledge of a defect in title, and who tenders value for that interest.

In Idaho, recording is not part of the actual conveyance process. When the grantor delivers a properly executed deed to the grantee, and the grantee accepts the delivery, the conveyance of title to the real property is effective. The act of recording establishes constructive notice and priority among competing interests in the same parcel of real property. Idaho Code [§ 55-815](#) provides that an unrecorded instrument is valid as between the parties to the instrument.

2.2 Office and Duties

The function of providing recording services is delegated to the county clerk through both the Idaho Constitution and Idaho Code. [Art. 18, § 6](#), entitled "County Officers," provides that the clerk of the district court shall be the "recorder." The election of a county "clerk of the district court" is provided for in [Art. 5, § 16](#) of the Idaho Constitution dealing with the subject of the "Judicial Department." While it is clear that the "clerk of the district court" is a constitutionally elected officer, the function of "recorder" goes unexplained in the Idaho Constitution. [Art. 18, § 6](#) does provide that the recorder "shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require."

Idaho Code [§ 31-2001](#) describes the officers of a county as including the clerk of the district court, who is also listed as the "recorder." Idaho Code [§ 31-3107](#) repeats the language of the Idaho Constitution concerning the ability of the county commissioners to appoint deputies and clerical assistants. Idaho Code [§ 31-2003](#) further states that every county officer may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his/her office. However, the Idaho Code is similar to the Idaho Constitution in failing to define the term "recorder" or the specific nature of the duties of the

position. Presumably, the Idaho Legislature believed that the term "recorder" was a word of art that did not need additional definition.

3 Using this Manual

This manual is organized in order of the questions that may arise during the process of receiving a document for the purpose of recording.

3.1 STEP 1: Check Whether the Document Should be Recorded in your County

Example 1: It's your first day in the recorder's office, and already there's a line of people in the office. The first person in line is visibly flustered and in a rush, plops a huge pile of documents on your desk, and asks you to record them. What do you do first?

Example 2: After the morning rush, you go through the mail, and you open a large brown envelope to find a couple hundred pages of documents, along with a \$100 check, hastily scribbled instructions, and post-it notes that show that these documents are actually 10 distinct and separate sets of documents. What do you do?

Are these still good examples? Should we update?

3.1.1 Verify the Document is Recordable in your County:

The first step is to verify the document is recordable in your county. You must make sure whether the document that you are about to index can and should be recorded in your county office (Idaho Code § 55-808). Requestors will sometimes attempt to record documents in the incorrect county. Furthermore, some documents are supposed to be recorded with the Idaho Secretary of State's office, not with the counties. Consult the "Location of recording" column of Table D.

3.2 STEP 2: Verify that the Document Can be Recorded

3.2.1 Check if This is a Document That You Can Legally Record

The next step is to determine whether this is a document that you legally should record.¹ The "Document Category" and "Document Types" columns of Table D lists the categories and types of documents that you can and should record. If the document is not listed in Table D, you may not be able to legally record the document.

3.2.2 Determine if **a Notary Acknowledgment is Required and, if so, Whether the Document is Acknowledged**

As a general rule, documents for recording should be acknowledged in one way or another, but the statutes specify certain documents that do not need to be acknowledged for recording purposes. The "Is Acknowledgment Required" column in Table D contains this information for each document category and type.

¹When a document is "recorded," the original document is returned to the individual requesting the recording. In comparison, when a document is "filed" with the county recorder, the county recorder keeps the original document on file, and does not return the original document.

3.2.3 Search the Document for Any Problematic Characteristics

After you've verified that the document is a record-able document (i.e. is listed in Table D), then you need to make sure that the document doesn't have any problematic features. Table C in the Appendix is a checklist of characteristics of documents that you should not record. If you receive a document that is listed in Table D, but has any of these characteristics, you may inform the requestor of the defects in the document and refuse to record the document.

This provides a working list for quick reference and is not intended to be exhaustive. Other reasons may exist, which may disqualify a document from recording. If you have questions regarding a specific document or situation you should consult with your county prosecutor before refusing to record the document. Idaho Code [§ 31-2402\(2\)](#).

Sometimes, a document will meet the requirements for recording, but may or may not accomplish the intentions of the requester. For example, an individual may request that the county recorder record a certified copy of a decree of divorce. Technically, because this decree may be an instrument or judgment affecting the title to or possession of real property, the county recorder should record the document. Recorders are not required to make legal decisions such as whether or not a document will be sufficient to convey an interest in land. The recorder is correct to record the document, and the effect on the ownership of the interest in the subject property is a matter to be settled by and between the parties involved.

What to do with a Document that Should not be Recorded If a document should not be recorded, then do not record it. Idaho Code gives the county recorder the authority to refuse to record documents:

The recorder may refuse to record any document which, in his discretion and through consultation with the county prosecutor, is not authorized by law to be recorded. Refusal pursuant to this section shall not create any liability.

Idaho Code [§ 31-2402\(2\)](#) "emphasis added" Accordingly, an Idaho district court ruled in *Murray v. Taggart*² that county recorders have a duty to exercise discretion within the confines of Idaho Code [§ 31-2402\(2\)](#) & [§ 31-2410](#) to review the content, with the assistance of the county prosecutor, of a document tendered for recording to determine if it is "entitled by law to be recorded."

What Happens if You Incorrectly Refuse to Record a document or Incorrectly Record a Document

Idaho Code [§ 31-2417](#) states that the recorder is liable to the party aggrieved "for the amount of the damages which may be occasioned thereby." [§ 31-2417](#) would also impose liability for "damages" suffered by the aggrieved party for errors and omissions associated with the physical handling of a deposited document, including the indexing of that document. The issue of actual damages is a factual question that may be difficult to quantify in many of these instances. For example, ascertaining the damages incurred by a person who wishes to disavow their ceremonial marriage, but then is refused by the county recorder, is difficult. To date, the only Idaho case dealing with alleged recorder neglect³ dealt with the internal handling of documents once presented for filing or recording by the requesting party, and involved a micro-filming dispute with a local title company.

Idaho Code [§ 31-2415](#) goes further and states that, regardless of actual damages, the prosecuting attorney may recover \$50.00 per wrongful refusal from the official bond of the county recorder (discussed hereinafter). [Idaho Code § 45-1701 et seq.](#), dealing with the subject of "common law liens" discussed earlier, does provide the recorder with some statutory guidance and protection.

²Case No. CV-95-00642, filed 6/12/95. Judge Gary Haman

³Adams County Abstract v. Fisk, 117 Idaho 513, 788 P.2d 1336 (Ct. App. 1990)

This section on "common law liens" has been repealed. Suggestion to remove this reference

3.3 STEP 3: Collect Fees

The next step is to collect the proper amount of fees. Idaho Code § 31-2418 gives the county recorder the authority to not record any document without payment of the fees (see also Idaho Code § 31-2402, and § 45-1004(1)). Therefore, if you've received documents in the mail along with a request to record the documents, but the check is insufficient, you are not legally required to record the documents.

3.3.1 Figure Out the Indexing Required

To be able to collect the proper amount of fees, you first need to know how much "indexing" you will need to do. To "index" a document means to place information about the document on one or more lists so that others who need to know that information can easily find the document. In other words, this indexing function is critical to ensure that others are put on notice regarding the information contained in this document. Although indexing physically occurs after return of the deposited document to the requester, a document still may not be technically "recorded" until it is "indexed." This would be consistent with the proposition that constructive notice does not occur until the document is indexed (*Diamond Nat. Corp. v. Lee*, 333 F.2d 517 (9th Cir. 1964)).

The code provides several indices - or "lists" - that the county recorder must keep. One list containing 27 different indices is codified in Idaho Code § 31-2404, and the column headings are listed in Table A.

3.
If a document needs to be indexed in multiple indices, because the law requires such multiple indexing to be "recorded separately" (Idaho Code § 31-2402), you are permitted to charge per index that you record. For example, suppose that one document is titled both a "Deed of Reconveyance" as well as "Substitution of Trustee." These two documents are legally distinct and separate with their own distinct purposes. The "Deed of Reconveyance" should be indexed in the "Deeds" index, and the "Substitution of Trustee" should be indexed as a Substitution of Trustee in the index. As such, you should charge the recording fee twice.

Should this paragraph be removed because of 31-3205 (b) (ii) & (iii)

For both convenience and timesaving purposes, you should index the documents in an electronic management system. Idaho Code § 31-2404(28) explicitly authorizes this as long as the electronic file can segregate the records and "permit search and retrieval capabilities of each file type under each of the ... categories."

Table A in the Appendix lists the indices as well as the minimum amount of information that should be kept for each document listed on each index. Figuring out what records to list in which indices is not as straightforward as it may initially appear. Consult the "Index" column of Table D contained in the Appendix. Table D contains a list of documents that are commonly recorded, and the "Index" column lists the indices in which the document should be included.

3.3.2 Calculate the Cost of the Indexing and of Any Other Services Requested

Once you know how many times you need to index the documents, you should be able to calculate the total amount of fees for the services you are about to provide. The fees for the typical recorder services are primarily listed in Idaho Code § 31-3205, and are listed in Table B in the Appendix.

remove?



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 32
FEES

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services the following fees to be paid him by the party procuring his services:

(a) Except as otherwise set forth in this section, for recording every instrument, paper or notice, for the first page \$10.00
For each additional page \$3.00

(b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:

(i) Deeds, grants and transfers of title to real property \$15.00

(ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording \$45.00

(iii) Reconveyances of trust deeds, reconveyances of trust deeds that include a substitution of trustee if contained within the same instrument for recording, and releases of mortgages \$15.00

(iv) Substitution of a trustee \$10.00

(v) Powers of attorney \$25.00

For each additional page beyond thirty (30) pages for an instrument listed in this paragraph \$3.00

(c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image 5¢

(d) For copies of any record or paper, for each page \$1.00

(e) For each certificate under seal, when required \$1.00

(f) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$1.00

(g) For recording every town plat or map, for the first one hundred (100) lots or less \$11.00
For each additional lot 5¢

(h) For taking acknowledgments, including seal \$1.00

(i) For filing a survey, for each page \$5.00

3.4 STEP 4: Endorse, Return, Enter Into the Reception Book or Electronic Management System, and Certify Any Copies, When Requested

3.4.1 Endorse the Document

To "endorse" a document means to put on the document the following information:

- The year, month, day, hour, and minute that the document was received by the recorder (Idaho Code § 31-2410);
- The book and page number (Idaho Code § 31-2411);
- The instrument number (a general reception number). (Idaho Code § 31-2412)

#4

or instrument

Can this be combined using both codes?

Your office may have a rubber stamp or computer generated label which would expedite the process of putting this information on the document.

3.4.2 Enter the Information Into the Reception Book or Electronic Management System

After you endorsed a document, enter the endorsement information in a "reception book" (Idaho Code § 31-2413).

#5

This code has no reference to EMS. See additional suggestion on copy of 31-2413

3.4.3 Complete the Certificate of Time and Receipt of the Document

Once the document is numbered and entered in the reception book, the recorder should complete the certificate of time and receipt for the document. Specifically, this means that under the instrument number on the document (performed in Step 6), the recorder should stamp or write a "certificate" on the document. The certificate should list "the exact time of the reception of such instrument, paper or notice, giving the day, hour and minute as set out in the original notation of recording made by him upon the instrument, paper or notice itself, and the name of the person at whose request it is recorded..." (Idaho Code § 31-2414). The recorder is then to authenticate the certificate with the clerk's official signature. Deputy recorders may sign the recordings, though it will have the clerk's name printed as the official.

#6

Are you having deputies sign or initial in person recordings

3.4.4 Return the Document

See example #6

Return the document to the person who requested the recording (Idaho Code § 31-2411), unless the document is required to stay at the recorder's office (Idaho Code § 55-809). Consult the "Recorder must keep originals" column of Table D.

3.5 STEP 6: Handle Re-Recording Requests

You will inevitably receive a request to "re-record" a document that you have already recorded. These requests come in because a document may have been altered or changed from the original recorded document. The cleanest procedure is to go through the steps 1 through 5 all over again, and treat the document as if it had never been recorded before.

#7

Add before highlighted sentence -

** The suggested practice is to cross through the original stamp and write "re-record to correct..." for the reason such as "re-record to correct legal description" or "re-record to correct names."*

Put original number as a reference in the search fields. FEE CHARGED?

#4



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 24
RECORDER

31-2411. ENDORSEMENT OF BOOK AND PAGE OF RECORD – DELIVERY TO PARTY. The recorder must also endorse upon each instrument, paper or notice, the book and pages or instrument number in which it is recorded, and must thereafter deliver it upon request to the party leaving the same for record. If an approved electronic system is used, the recorder shall endorse upon each instrument a suitable reference number to enable direct retrieval of the recorded document from the electronic system.

History:

[(31-2411) 1863, p. 475, sec. 75; R.S., sec. 2031; reen. R.C. & C.L., sec. 2070; C.S., sec. 3643; I.C.A., sec. 30-1911; am. 1989, ch. 90, sec. 5, p. 213; am. 2005, ch. 243, sec. 6, p. 760.]

How current is this law?

Search the Idaho Statutes and Constitution

#4



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 24
RECORDER

31-2412. NUMBER TO BE STAMPED ON INSTRUMENTS. It is hereby made the duty of each county recorder in this state, when any instrument, paper or notice authorized by law to be recorded is deposited in the recorder's office for record, **immediately to write or stamp thereon an instrument number,** and the numbers so stamped shall be consecutive in the order of filing, in only one (1) series of numbers, commencing with the general reception number next in order, upon this amendment becoming effective, in each county and following in the order of the filing of all instruments, papers or notices, and priority of number shall be prima facie evidence of priority of filing: provided, that when such recorder shall receive by mail or other like inclosure more than one (1) instrument, paper or notice at a time, he shall affix such numbers in the consecutive order in which said instruments, papers or notice actually came into his hand on opening, save that when more than one instrument, paper or notice is received from the same source at the same time, he may follow such directions as the sender may give in relation to such numbering. In addition to general reception numbers as above provided the county recorder may use such additional numbers as may be convenient for filing and indexing.

History:

[(31-2412) 1903, p. 428, sec. 1; reen. R.C. & C.L., sec. 2071; C.S., sec. 3644; I.C.A., sec. 30-1912; am. 1949, ch. 164, sec. 1, p. 352.]

How current is this law?

Search the Idaho Statutes and Constitution

#5



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 24
RECORDER

31-2413. RECEPTION BOOK. There shall be provided by the county recorder of each county, a book for use in the office of the recorder to be known as the reception book, in which shall be entered, immediately after numbering, all instruments, papers or notices authorized by law to be recorded. Such book shall be ruled in parallel columns and in the first column at the left hand side of the page shall be entered the instrument number; in the second column, the day, hour and minute of filing; in the third column, the grantor, or person executing the instrument; in the fourth column, the grantee, or person to whom the instrument is executed, if there be such; in the fifth column, the character of the instrument; in the sixth column, the book and page where recorded; in the seventh column a brief description of the property, if any, described therein; and in the last column at the right, the name of the person to whom delivered. Such book shall be a part of the public records of such office, and open to public inspection during office hours.

History:

[(31-2413) 1903, p. 428, sec. 2; reen. R.C. & C.L., sec. 2072; C.S., sec. 3645; I.C.A., sec. 30-1913; am. 1989, ch. 90, sec. 6, p. 213.]

How current is this law?

Search the Idaho Statutes and Constitution

* No reference to an electronic management system.

#5 Update to the code that reflects modern times or maybe just a sentence that clarifies, "electronic systems for recording serve as the "reception book" as long as they delineate the names of all parties and the required fields.

#6

In person recording with generated label

Instrument # 748189

BINGHAM COUNTY

8-12-2022 03:38:42 PM No. of Pages: 2

Recorded for : TERRY MEPPEN

PAMELA W. ECKHARDT

Fee: 15.00

Ex-Officio Recorder Deputy



WARRANTY DEED

Electronic recording through Simplifile

Instrument # 748160

BINGHAM COUNTY, IDAHO

2022-08-12 11:11:14 AM No. of Pages: 1

Recorded for: TRUSTEE SERVICES, INC.

PAMELA W. ECKHARDT Fee: \$10.00

Ex-Officio Recorder Deputy JPulley

Index To: SUBSTITUTION OF TRUSTEE

Electronically Recorded by Simplifile

Pam Eckhardt

Fees for re-recording #7

From: IdahoClerks@groups.io on behalf of Stephen McDougall Graham
<smgraham@co.blaine.id.us>
Sent: Tuesday, June 21, 2022 11:47 AM
To: IdahoClerks@groups.io
Subject: Re: [IdahoClerks] Fee for Recording modification of Deed of Trust

Hi all,

I have a Title Co./Lender questioning our charging \$45 fee for recording modifications of deeds of trust, saying other counties are charging \$10+\$3/pg for similar instruments.

My predecessor was of the opinion that such a modification is essentially a new deed of trust (hence the full \$45), and in talking with my recorders, they don't feel like statute is totally clear.

I'm loathe to make fee changes after a long practice of doing things a particular way, but I wanted to put it out there to the Clerk hive-mind in case there's a strong consensus over one approach or the other.

What are y'all doing for these instruments?

Thanks,

Stephen

Stephen F. McDougall Graham, MPP
Clerk of Blaine County

Groups.io Links:

You receive all messages sent to this group.

[View/Reply Online \(#8968\)](#) | [Reply To Group](#) | [Reply To Sender](#) | [Mute This Topic](#) | [New Topic](#)
[Your Subscription](#) | [Contact Group Owner](#) | [Unsubscribe \[peckhardt@co.bingham.id.us\]](#)

3.6 STEP 7: Provide Access to the Documents

3.6.1 Charge Appropriate Fees

#8 Idaho law requires that you provide access to the public to the documents. That said, the provision of copies of records requires county resources, and the statutes also allow county recorders to recoup some of those costs. The recorder is permitted by statute to charge fees for copies. Idaho Code § 31-3205 lists the fees allowed to be collected by the county recorder. Electronic copies are five cents per page (Idaho Code § 31-3205(1)(b)), and paper copies at a dollar per page (Idaho Code § 31-3205(1)(c)) See Table B.

Separately, the Idaho Public Records Act in Idaho Code § 74-102(10) requires public agencies to provide responses to public records requests for free, but authorizes charging for requests that exceed two hours of labor or 100 pages of paper records. Reconciling the two statutes should be done with your prosecuting attorney. Probably the best reconciliation is to charge the fee established in Idaho Code § 31-3205 for recorded documents, and to charge in accordance with the Public Records Act for non-recorded county records.

requested on a recurring basis

lets talk about "recurring"!

3.6.2 Assess Whether to Allow the Requestor to Use His/Her Own Equipment

To avoid paying fees, a requestor may ask to bring in his or her own equipment to scan or copy the records. Idaho Code § 31-2419 requires the recorder to allow inspection of the records without charge, but this requirement has its limitations. In analyzing Idaho Code § 31-2419, the court in *Adams County Abstract Co. v. Fisk* held that the recorder's interest in performing his duty of protecting the safety of the documents in his care outweighs the interest of individuals to avoid fees by bringing in their own private equipment into the courthouse. As such, the recorder "cannot be compelled to allow private photocopying of public records." Further, the public's right to know the contents of recorded documents does not necessarily extend to physical handling of the documents. Such methods of copying should not be allowed if they jeopardize the safety of the documents or the orderly functioning of the recorder's office.

What is not known, however, is the type and size of equipment that the title company wanted to set up inside the courthouse in the *Adams* case. Because of the advances in technology since the 1990 *Adams* case, it is unclear whether the court would still rule the same way today if someone were to take non-flash pictures of records with their cell phones or small digital cameras. Whatever approach your county chooses, it is best to create a standard office procedure that applies equally to all requestors about the types of equipment that can and cannot be used.

3.6.3 Redact Certain Information

#9 The public should not receive un-redacted copies of every record in your possession. The primary example is the vital statistic information on military discharge orders is to be redacted for identity protection purposes for the veteran (Idaho Code § 65-301). Veterans may record redacted versions of their DD-214's with the following being redacted:

- Date of birth
- Social security number
- Blood type
- Home addresses
- Other personal identifying information

Do we need to include a reference to the vital records laws? Death certificates? Divorce Decrees?

However, the veteran's name itself may not be redacted for the version of discharge papers to be recorded. Lastly, there are some privacy provisions for DD-214 information that is recorded that are provided for

#8



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 32
FEES

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services the following fees to be paid him by the party procuring his services:

(a) Except as otherwise set forth in this section, for recording every instrument, paper or notice, for the first page \$10.00
For each additional page \$3.00

(b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:

(i) Deeds, grants and transfers of title to real property \$15.00

(ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording \$45.00

(iii) Reconveyances of trust deeds, reconveyances of trust deeds that include a substitution of trustee if contained within the same instrument for recording, and releases of mortgages \$15.00

(iv) Substitution of a trustee \$10.00

(v) Powers of attorney \$25.00

For each additional page beyond thirty (30) pages for an instrument listed in this paragraph \$3.00

(c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image 5¢

(d) For copies of any record or paper, for each page \$1.00

(e) For each certificate under seal, when required \$1.00

(f) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$1.00

(g) For recording every town plat or map, for the first one hundred (100) lots or less \$11.00

For each additional lot 5¢

(h) For taking acknowledgments, including seal \$1.00

(i) For filing a survey, for each page \$5.00

- (j) For making a copy of a survey or highway right-of-way plat .. \$4.00
 - (k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license \$11.00
 - (l) For administering an oath, including jurat \$1.00
- And certifying the same when required, an additional fee of \$1.00
- (m) For comparing and certifying a prepared copy of a file or record in his office, for each page 50¢
 - (n) For each certificate under seal, an additional fee of \$1.00

(2) Electronic copies shall include copies provided via internet download, on a compact disc, zip disc, floppy disc, or other electronic means. The county recorder shall provide electronic copies if the record is maintained in electronic form and if the person specifically requests an electronic copy.

(3) For duplication of recorded documents in paper, microfilm or microfiche format requested on a recurring basis in excess of one hundred (100) pages, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of paper, microfilm or microfiche documents in excess of one hundred (100) pages are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.

(4) All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, corner records, and instruments under the uniform commercial code.

(5) For all other services as recorder, not enumerated herein, the fee shall be as fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

(6) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted in this subsection for a page shall be two cents (2¢) per square inch.

History:

[(31-3205) 1890-1891, p. 174, sec. 4; reen. 1899, p. 116, sec. 4; modified by 1899, p. 405; compiled R.C., sec. 2124; am. 1911, ch. 173, sec. 1, p. 507; compiled and reen. C.L., sec. 2124; C.S., sec. 3706; I.C.A., sec. 30-2705; am. 1935, ch. 105, sec. 1, p. 254; am. 1949, ch. 168, sec. 1, p. 364; am. 1951, ch. 251, sec. 1, p. 540; am. 1959, ch. 72, sec. 1, p. 157; am. 1967, ch. 272, sec. 6, p. 745; am. 1969, ch. 199, sec. 1, p. 574; am. 1976, ch. 281, sec. 3, p. 963; am. 1979, ch. 61, sec. 1, p. 163; am. 1981, ch. 293, sec. 1, p. 613; am. 1982, ch. 275, sec. 1, p. 706; am. 1984, ch. 29, sec. 1, p. 50; am. 1986, ch. 14, sec. 1, p. 55; am. 1987, ch. 29, sec. 1, p. 38; am. 1994, ch. 364, sec. 1, p. 1139; am. 2006, ch. 286, sec. 1, p. 882; am. 2008, ch. 111, sec. 1, p. 313; am. 2010, ch. 137, sec. 1, p. 291; am. 2013, ch. 280, sec. 1, p. 728; am. 2017, ch. 237, sec. 1, p. 583; am. 2018, ch. 187, sec. 1, p. 411; am. 2022, ch. 43, sec. 1, p. 112.]

in the open records laws of the Idaho Code. If you have a question regarding the confidentiality of such records, please refer to the [Idaho Attorney General's Public Records Manual](#). Veterans and veteran's families must provide a written request with identification before copies are provided.

3.7 STEP 8: Remove Documents

In some very rare instances, the county recorders are authorized to remove documents from their records upon request. The rare instance is described in Idaho Code [§ 65-301\(3\)](#), and has to do with when a veteran or a veteran's surviving spouse wishes to remove military documents from the county records. The types of documents that can be removed are as follows: DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553. The requestor must come in person, specify the identification page number of the form to be removed, and present identification.

APPENDIX

Table A: Indices

Index name: Grantors [Idaho Code § 31-2404(1)]			
Documents to be listed: Deeds, grants, and transfers			
<i>Names of grantors</i>	<i>Names of grantees</i>	<i>Date of deeds, grants or transfers</i>	<i>Where recorded</i>

Index name: Grantees [Idaho Code § 31-2404(2)]			
Documents to be listed: Deeds, grants, and transfers			
<i>Names of grantees</i>	<i>Names of grantors</i>	<i>Date of deeds, grants or transfers</i>	<i>Where recorded</i>

Index name: Mortgagors of real property [Idaho Code § 31-2404(3)]				
Documents to be listed: Mortgages				
<i>Names of mortgagors</i>	<i>Names of mortgagees</i>	<i>Date of mortgages</i>	<i>Where recorded</i>	<i>When discharged</i>

Index name: Mortgagees of real property [Idaho Code § 31-2404(4)]				
Documents to be listed: Mortgages				
<i>Names of mortgagees</i>	<i>Names of mortgagors</i>	<i>Date of mortgages</i>	<i>Where recorded</i>	<i>When discharged</i>

Index name: Releases of mortgages of real property--mortgagors [Idaho Code § 31-2404(5)]					
Documents to be listed: Release of mortgages					
<i>Parties releasing</i>	<i>To whom releases are given</i>	<i>Date of releases</i>	<i>Where releases are recorded</i>	<i>Date of mortgages released</i>	<i>Where mortgages released are recorded</i>

Index name: Releases of mortgages of real property--mortgagors [Idaho Code § 31-2404(6)]					
Documents to be listed: Releases of mortgages					
<i>Parties whose mortgages are released</i>	<i>Parties releasing</i>	<i>Date of releases</i>	<i>Where recorded</i>	<i>Date of mortgages released</i>	<i>Where mortgages released are recorded</i>

Index name: Powers of attorney [Idaho Code § 31-2404(7)]				
Documents to be listed: Powers of attorney				
<i>Names of parties executing powers</i>	<i>To whom powers are executed</i>	<i>Date of powers</i>	<i>Date of recording</i>	<i>Where powers are recorded</i>

Index name: Lessors [Idaho Code § 31-2404(8)]			
Documents to be listed: Leases			
<i>Names of lessors</i>	<i>Names of lessees</i>	<i>Date of leases</i>	<i>When and where recorded</i>

Index name: Lessees [Idaho Code § 31-2404(9)]			
Documents to be listed: Leases			
<i>Names of lessees</i>	<i>Names of lessors</i>	<i>Date of leases</i>	<i>When and where recorded</i>

Index name: Marriage certificates – men [Idaho Code § 31-2404(10)]					
Documents to be listed: Marriage certificates					
<i>Men married</i>	<i>To whom married</i>	<i>When married</i>	<i>By whom married</i>	<i>Where married</i>	<i>Where certificates are recorded</i>

Index name: Marriage certificates – women [Idaho Code § 31-2404(11)]					
Documents to be listed: Marriage certificates					
<i>Women married (use family names of the women)</i>	<i>To whom married</i>	<i>When married</i>	<i>By whom married</i>	<i>Where married</i>	<i>Where certificates are recorded</i>

Index name: Assignments of mortgages and leases - assignors [Idaho Code § 31-2404(12)]				
Documents to be listed: Assignments of real property mortgages and leases				
<i>Assignors</i>	<i>Assignees</i>	<i>Instruments assigned</i>	<i>Date of assignment</i>	<i>When and where recorded</i>

Index name: Assignments of mortgages and leases - assignees [Idaho Code § 31-2404(13)]				
Documents to be listed: Assignments of real property mortgages and leases				
<i>Assignees</i>	<i>Assignors</i>	<i>Instruments assigned</i>	<i>Date of assignment</i>	<i>When and where recorded</i>

Index name: Wills [Idaho Code § 31-2404(14)]			
Documents to be listed: Wills			
<i>Names of testators</i>	<i>Date of wills</i>	<i>Date of probate</i>	<i>When and where recorded</i>

Index name: Official bonds [Idaho Code § 31-2404(15)]				
Documents to be listed: Official bonds				
<i>Names of officers</i>	<i>Names of offices</i>	<i>Date of bonds</i>	<i>Amount of bonds</i>	<i>When and where recorded</i>

Index name: Mechanics' liens [Idaho Code § 31-2404(16)]		
Documents to be listed: Notices of mechanics' liens		
<i>Parties claiming liens</i>	<i>Against whom claimed</i>	<i>Notices, when and where recorded</i>

Index name: Transcripts of judgments [Idaho Code § 31-2404(17)]						
Documents to be listed: Transcripts of judgments						
<i>Judgment debtors</i>	<i>Judgment creditors</i>	<i>Amount of judgments</i>	<i>Where recorded</i>	<i>When recovered</i>	<i>When transcript filed</i>	<i>When judgment satisfied</i>

Index name: Attachments [Idaho Code § 31-2404(18)]					
Documents to be listed: Attachments					
<i>Parties against whom attachments are issued</i>	<i>Parties issuing attachments</i>	<i>Notices of attachments</i>	<i>When recorded</i>	<i>Where recorded</i>	<i>When attachments discharged</i>

Index name: Notices of actions [Idaho Code § 31-2404(19)]		
Documents to be listed: Notices of the pendency of actions		
<i>Parties to the actions</i>	<i>Notices, when recorded</i>	<i>Where recorded</i>

Index name: Separate property of married women [Idaho Code § 31-2404(20)]				
Documents to be listed: Separate property of married women				
<i>Names of married women</i>	<i>Names of their husbands</i>	<i>Nature of instruments recorded</i>	<i>When recorded</i>	<i>Where recorded</i>

Index name: Possessory claims [Idaho Code § 31-2404(21)]				
Documents to be listed: Possessory claims				
<i>Claimants</i>	<i>Notices</i>	<i>When received</i>	<i>Date of notices</i>	<i>When and where recorded</i>

Index name: Homesteads [Idaho Code § 31-2404(22)]				
Documents to be listed: Homesteads				
<i>Claimants</i>	<i>Date of declaration</i>	<i>When and where recorded</i>	<i>Abandonment</i>	<i>When and where recorded</i>

Index name: Real property agreements [Idaho Code § 31-2404(23)]			
Documents to be listed: Agreements and bonds affecting the title of real property			
<i>Vendors</i>	<i>Vendees</i>	<i>Date of agreement</i>	<i>When and where recorded</i>

Index name: Mining claims [Idaho Code § 31-2404(24)]				
Documents to be listed: Mining claims				
<i>Locators</i>	<i>Name of claim</i>	<i>Date of location</i>	<i>When filed for record</i>	<i>Where recorded</i>

Index name: Water rights [Idaho Code § 31-2404(25)]			
Documents to be listed: Water rights			
<i>Locators</i>	<i>Date of notice</i>	<i>When filed for record</i>	<i>Where recorded</i>

Index name: General index [Idaho Code § 31-2404(26)]	
Documents to be listed: All papers	

Index name: Financing statements [Idaho Code § 31-2404(27)]	
Documents to be listed: Statements required to be filed under Part 4 of the Uniform Commercial Code-Secured Transactions	

Index name: Hospital liens [Idaho Code § 45-703]						
Documents to be listed: Hospital liens						
<i>Name of hospital</i>	<i>Address of hospital</i>	<i>Name of patient</i>	<i>Address of patient</i>	<i>Amount claimed</i>	<i>Name(s) of those claimed to be liable for damage</i>	<i>Address(s) of those claimed to be liable for damage</i>

Index name: Certificates of sale [Idaho Code § 31-2406]			
Documents to be listed: Certificates of sale			
<i>Name(s) of the plaintiff in the execution</i>	<i>Name(s) of the defendant in the execution</i>	<i>Name of the purchaser at the sale</i>	<i>Date of the sale</i>

APPENDIX B

Fees for County Recorder Services

Table B: Fees for county recorder services

Service	Fees
Acknowledgment and seal	\$1.00 each [Idaho Code § 31-3205(1)(g)]
Certificate under seal	\$1.00 each [Idaho Code § 31-3205(1)(d)]
Certification of oath or jurat	\$1.00 each [Idaho Code § 31-3205(1)(k)], but not for oaths associated with "pension papers" for veterans [Idaho Code § 31-3213]
Clerk of the court fees	31-3201
Copies – compared and certified copy of file or record in office	\$.50 [Idaho Code § 31-3205(1)(l)]
#10 Copies – electronic copy of recorded document	\$.05 per page [Idaho Code § 31-3205(1)(b)] <i>requested on a recurring basis.</i>
Copies – paper copy of recorded document	\$1.00 per page [Idaho Code § 31-3205(1)(c)]
Copies – electronic or paper copies of recorded documents over 100 pages on a recurring basis	Negotiate between recorder and purchaser of the copies, and then get approval from board of county commissioners [see Idaho Code § 31-3205(3) for details on procedure]
Copies – paper copy of court documents	\$1.00 per page [Idaho Code § 31-3201]
Copies – paper copy of document that is neither a recorded document or court document	Free up to either 100 pages of paper records or two hours of labor [Idaho Code § 74-102(10)]
Copies – survey or highway right-of-way plat	\$4.00 per page [Idaho Code § 31-3205(1)(i)]
#11 Marriage – issue license; file, record, and index certificate of marriage; take and file affidavits required in the issuance of the license	\$11.00 for all services combined [Idaho Code §§ 31-3205(1)(j), 32-408]. There is also a state fee of \$15 which the county recorder collects for the state. <i>See attachment # 11 Total of \$30</i>
Oath including jurat	\$1.00 each [Idaho Code § 31-3205(1)(k)], but not for oaths associated with "pension papers" for veterans [Idaho Code § 31-3213]
Record – a town plat or map	\$11.00 for the first 100 lots or less, \$.05 for each additional lot after 100 [Idaho Code § 31-3205(1)(f)]
#12 Record – an instrument, paper or notice <i>Update to say Refer to Recorder's Fees. 31-3205</i>	\$10.00 for the first page, \$3.00 for each additional page. The recording fee is charged for each index in which the instrument must be listed [Idaho Code §§ 31-3205(1)(a), 31-2402]. <i>See 31-3205</i> <i>remove?</i>
Record – documents other than employment law liens by the state of Idaho or a county of Idaho	As otherwise set by statute, Idaho Code § 31-3212 exception does not apply to fees set in Idaho Code § 31-3205. [State ex rel. Rich v. Larsen, 84 Idaho 529, 374 P.2d 484 (1962)]
Record – employment law liens by the state of Idaho	Free [Idaho Code § 31-3212; Garrett v. Kline, 87 Idaho 456, 394P.2d 157 (1964)]
Record – master forms	\$10.00 for the first page, \$3.00 for each additional page. Same fees as applicable to conveyances [Idaho Code § 45-1004(5)].
Record – military discharge papers	Free [Idaho Code § 65-301, 65-302] (Note: This free

11



Idaho Statutes

TITLE 39
HEALTH AND SAFETY
CHAPTER 52
DOMESTIC VIOLENCE PROJECT GRANTS

39-5213. FEE IMPOSED. (1) In addition to the fee due to the county recorder of each county of this state under the provisions of section 31-3205, Idaho Code, for the issuance of a marriage license, the recorder shall collect upon presentation of proper identification by the applicants an additional fee of fifteen dollars (\$15.00) for each license issued, which additional fee shall be remitted to the state treasurer for credit to the "domestic violence project account" created in section 39-5212, Idaho Code.

(2) In addition to any other fee imposed for filing an action for divorce in the district court, there shall be collected a fee of twenty dollars (\$20.00) for each divorce action, separately identified, which additional fee shall be remitted to the state treasurer for credit to the domestic violence project account created in section 39-5212, Idaho Code.

History:

[39-5213, added 1982, ch. 181, sec. 1, p. 473; am. 1990, ch. 244, sec. 1, p. 696.]

How current is this law?

Search the Idaho Statutes and Constitution

#11

IC 39-5213

(j) For making a copy of a survey or highway right-of-way plat .. \$4.00

(k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license \$11.00

(l) For administering an oath, including jurat \$1.00

And certifying the same when required, an additional fee of \$1.00

(m) For comparing and certifying a prepared copy of a file or record in his office, for each page 50¢

(n) For each certificate under seal, an additional fee of \$1.00

(2) Electronic copies shall include copies provided via internet download, on a compact disc, zip disc, floppy disc, or other electronic means. The county recorder shall provide electronic copies if the record is maintained in electronic form and if the person specifically requests an electronic copy.

(3) For duplication of recorded documents in paper, microfilm or microfiche format requested on a recurring basis in excess of one hundred (100) pages, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of paper, microfilm or microfiche documents in excess of one hundred (100) pages are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.

(4) All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, corner records, and instruments under the uniform commercial code.

(5) For all other services as recorder, not enumerated herein, the fee shall be as fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

(6) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted in this subsection for a page shall be two cents (2¢) per square inch.

History:

[(31-3205) 1890-1891, p. 174, sec. 4; reen. 1899, p. 116, sec. 4; modified by 1899, p. 405; compiled R.C., sec. 2124; am. 1911, ch. 173, sec. 1, p. 507; compiled and reen. C.L., sec. 2124; C.S., sec. 3706; I.C.A., sec. 30-2705; am. 1935, ch. 105, sec. 1, p. 254; am. 1949, ch. 168, sec. 1, p. 364; am. 1951, ch. 251, sec. 1, p. 540; am. 1959, ch. 72, sec. 1, p. 157; am. 1967, ch. 272, sec. 6, p. 745; am. 1969, ch. 199, sec. 1, p. 574; am. 1976, ch. 281, sec. 3, p. 963; am. 1979, ch. 61, sec. 1, p. 163; am. 1981, ch. 293, sec. 1, p. 613; am. 1982, ch. 275, sec. 1, p. 706; am. 1984, ch. 29, sec. 1, p. 50; am. 1986, ch. 14, sec. 1, p. 55; am. 1987, ch. 29, sec. 1, p. 38; am. 1994, ch. 364, sec. 1, p. 1139; am. 2006, ch. 286, sec. 1, p. 882; am. 2008, ch. 111, sec. 1, p. 313; am. 2010, ch. 137, sec. 1, p. 291; am. 2013, ch. 280, sec. 1, p. 728; am. 2017, ch. 237, sec. 1, p. 583; am. 2018, ch. 187, sec. 1, p. 411; am. 2022, ch. 43, sec. 1, p. 112.]

#11



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 32
FEES

31-3205. RECORDER'S FEES. (1) The county recorder is allowed and may receive for his services the following fees to be paid him by the party procuring his services:

(a) Except as otherwise set forth in this section, for recording every instrument, paper or notice, for the first page \$10.00
For each additional page \$3.00

(b) For recording each of the following types of instruments, provided such instrument is thirty (30) pages or less:

(i) Deeds, grants and transfers of title to real property \$15.00

(ii) Trust deeds or mortgages of real property, including fixture filings, security agreements and assignments of leases and rents if contained within the same instrument for recording \$45.00

(iii) Reconveyances of trust deeds, reconveyances of trust deeds that include a substitution of trustee if contained within the same instrument for recording, and releases of mortgages \$15.00

(iv) Substitution of a trustee \$10.00

(v) Powers of attorney \$25.00

For each additional page beyond thirty (30) pages for an instrument listed in this paragraph \$3.00

(c) For electronic copies (as defined in subsection (2) of this section) requested on a recurring basis, for each page or image 5¢

(d) For copies of any record or paper, for each page \$1.00

(e) For each certificate under seal, when required \$1.00

(f) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$1.00

(g) For recording every town plat or map, for the first one hundred (100) lots or less \$11.00

For each additional lot 5¢

(h) For taking acknowledgments, including seal \$1.00

(i) For filing a survey, for each page \$5.00

11

- 501. MARRIAGE LICENSE RECORDING FEES.** (3-15-22)
The county recorders will charge a recording fee of two dollars (\$2) for each marriage certificate.
- 502. -- 599. (RESERVED)**
- 600. DIVORCE CERTIFICATE FILING FEE.** (3-15-22)
Effective July 1, 1985, the Clerk of the Court will charge a fee of one dollar (\$1) for each divorce certificate filed in accordance with Section 39-266, Idaho Code.
- 601. -- 649. (RESERVED)**
- 650. LATE OR DELAYED REGISTRATION OF BIRTH.**
- 01. Late Registration -- Fifteen Days to One Year.** (3-15-22)
- a. Birth certificates filed after fifteen (15) days, but within one (1) year from the date of birth, will be registered on the standard form of live birth certificate in the manner prescribed in Section 39-255, Idaho Code. Such certificate will not be marked as delayed. (3-15-22)
- b. In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where birth occurred, a notarized statement setting forth the reason must be attached to the certificate. The State Registrar may require additional evidence in support of the facts of birth. (3-15-22)
- 02. Form of Delayed Birth Certificate.** All certificates registered one (1) year or more after the date of birth will be registered on a delayed birth certificate form. (3-15-22)
- 03. Who May Request the Registration of and Sign a Delayed Birth Certificate.** (3-15-22)
- a. Any person born in this state whose birth is not recorded in this state, or the parent, guardian, next of kin of that person, or older person acting for the registrant and having personal knowledge of the facts of birth, may request the registration of a delayed birth certificate, subject to these rules and instructions issued by the State Registrar. (3-15-22)
- b. Each delayed birth certificate must be signed and sworn to before a notary public by the person whose birth is to be registered if such person is eighteen (18) years of age or older and is competent to sign and swear to the accuracy of the facts stated therein; otherwise, the certificate must be signed and sworn to by one (1) of the following in the indicated order of priority: (3-15-22)
- i. One (1) of the parents of the registrant; or (3-15-22)
- ii. The guardian of the registrant; or (3-15-22)
- iii. The next of kin of the registrant; or (3-15-22)
- iv. Any older person over eighteen (18) years of age having personal knowledge of the facts of birth. (3-15-22)
- 04. Facts to be Established for a Delayed Registration of Birth.** The minimum facts that must be established by documentary evidence are the following: (3-15-22)
- a. The original full name of the registrant; (3-15-22)
- b. The date of birth and place of birth; (3-15-22)
- c. The full maiden name of the mother; and (3-15-22)
- d. The full name of the father, unless the registrant was born out of wedlock, in which case the name

Idaho Recorder's Manual (2016)

	service can be requested by an official of the Veterans Administration, the claimant, his or her guardian, personal representative, dependent or attorney)
Record – state lands list	Free [Idaho Code § 31-3206]
Record – survey	\$5.00 per page filed [Idaho Code §§ 31-3205(1)(h), 55-1909]
Release or assignment where more than one document is released or assigned in the same instrument ⁴	\$1.00 each [Idaho Code § 31-3205(1)(d)]

⁴ When a document is released or assigned, the document contains the instrument number(s) that are being released or assigned. If the document lists more than one number to be released or assigned, Idaho Code allows the county recorder to collect \$1.00 for the extra listing. The county recorder must make sure that its records indicate each release and each assignment.

APPENDIX C

Characteristics of Documents that Should Not be Recorded

Table C: Characteristics of documents that should not be recorded

Applicable Document Type	Characteristic	Statutory Authority	Additional Comments
Affidavit	No jurat		Affidavits must have a jurat certificate.
All	Insufficient jurat (where the notary states that the signature was sworn to before them) or acknowledgment (declaration by a person that he/she executed the instrument)	Idaho Code § 55-707, 55-805, 51-109, 55-710	Most documents must have either a jurat or an acknowledgment in order to be recorded. For an acknowledgment to be proper, the acknowledgment certificate must contain a statement of purpose of execution of the document, the individual(s) names who appeared and executed the document before the notary upon signing, and the name of the notary.
All	Document is not entitled by law to be recorded.	Idaho Code §§ 31-2402, 31-2410, 55-816, 55-818	
All	Document is not in English and is not accompanied by a certified translation in English	Idaho Code § 73-121(3)	
All	Document purports to be a nonconsensual or common law lien under Chapter 17, Title 45 of Idaho Code.	Idaho Code §§ 45-1701, 45-1702 [now repealed]	
All	Illegible type	Idaho Code § 31-3205(6)	Each page must be typewritten or be in legible writing.
All	Improperly acknowledged document	Idaho Code § 55-805	Consult the "Is acknowledgment required?" column of Table D.
All	Incorrect county	Idaho Code § 55-808	You should not record a document that should be recorded in another county.
All	Lack of notary seal	Idaho Code § 55-805	
All	Lack of or insufficient fees provided with the document	Idaho Code § 31-2418	
All	Not an original or certified	Idaho Code § 31-	

	copy of the original	2402 lays out when certified copies are allowed instead of the original.	
All	Notary's expiration date is missing or expired		
All	Oversized documents	Idaho Code § 31-3205(6)	A page 14 inches in length or 8.5 inches in width. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted for a page shall be two cents (2¢) per square inch.
All documents executed by an attorney on behalf of another	Lack of previously recorded power of attorney	Idaho Code § 55-806	Do not record a document from an individual allegedly acting on behalf of another party unless there's a previously recorded power of authority authorizing that individual.
All from another US state, territory, or foreign country	Not acknowledged in the way required by those jurisdictions	Idaho Code § 55-805	Consult the "Is acknowledgment required?" column of Table D.
All in the name of a corporation	Not acknowledged by its president or vice president, or secretary or assistant secretary	Idaho Code §§ 55-805, 55-707	Consult the "Is acknowledgment required?" column of Table D.
All in the name of a limited liability company	Not acknowledged by the manager or member of the limited liability company	Idaho Code §§ 55-805, 55-707, 55-711A	Consult the "Is acknowledgment required?" column of Table D.
All in the name of a partnership	Not acknowledged by one or more of the partners subscribed the partnership name thereto	Idaho Code §§ 55-805, 55-707	Consult the "Is acknowledgment required?" column of Table D.
All in the name of the state of Idaho or any county, political subdivision,	Not acknowledged by one or more of the officers of such entity	Idaho Code §§ 55-805, 55-707	Consult the "Is acknowledgment required?" column of Table D.

municipal, quasi-municipal, or public corporation			
All, except for explicit exceptions	An instrument that has not been acknowledged by the person executing the instrument	Idaho Code 55-805	Consult the "Is acknowledgment required?" column of Table D.
Leases	Leases for real property that don't comply with the statute	Idaho Code § 55-601	
Lien	A nonconsensual lien	Idaho Code § 45-1701, 45-1702	A lien that: (a) Is not provided for by a specific state or federal statute; (b) Does not depend upon the consent of the owner of the property affected for its existence; (c) Is not a court-imposed equitable or constructive lien; and (d) Is not of a kind commonly utilized in legitimate commercial transactions.
Master form	Words "do not record" or "not to be recorded" are on the document, and the master form is plainly separated from the matter to be recorded as part of the mortgage or deed of trust	Idaho Code § 45-1004(4)	
Power of attorney to mortgage	Lack of acknowledgement	Idaho Code § 45-908	Consult the "Is acknowledgment required?" column of Table D.
Power of attorney to mortgage	Lack of signature by party disposing of the real property, or that party's agent	Idaho Code § 45-908	
Real estate conveyance, lease, mortgage	Lack of grantee's address	Idaho Code § 55-601 (conveyance), 45-902 (mortgage)	
Real estate conveyance, lease, mortgage	Lack of signature by party disposing of the real property, or that party's agent	Idaho Code § 55-601 (conveyance), 45-902 (mortgage)	

Idaho Recorder's Manual (2016)

Right-of-way	Lack of signature or acknowledgment by the party consenting to the use of the right-of-way	Idaho Code § 40-2302(2)	Consult the “Is acknowledgment required?” column of Table D.
U.S. patents	Issued by anyone other than an agency of the United States federal government	Idaho Code § 55-803	Private parties cannot issue this type of patent. Constitutionlists may sometimes attempt to do so, alleging to be “freeholders” or successors in interest to government lands.

APPENDIX D

title

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Agricultural nuisance waivers		Idaho Code § 22-4504		No	County recorder of the county where the real property is located [Idaho Code § 22-4504].		The county planning and zoning authority may adopt a nuisance waiver procedure to be recorded with the county recorder. If your county planning and zoning has not yet adopted a nuisance waiver, consult your attorney.
Appointments of deputies and subordinates	Oath of Office	Idaho Code § 31-2007		Yes	County recorder of the county where the officers are working [Idaho Code § 31-2007].		Idaho Code § 31-2007 states that the appointment of deputies and subordinate officers in county government must be documented and filed in the office of the county recorder.
Assumed business names	N/A	Idaho Code § 30-21-805, 30-21-807	N/A	N/A	Secretary of State [Idaho Code § 30-21-805].		
Bank mergers and affiliations	Merger	Idaho Code § 26-905, 26-1402		No	County recorder of any county wherein property of the merging banks is held [Idaho Code § 26-905].		
Bonds	Bond issues, bond lists, bond redemption, bond payment	Idaho Code § 57-301		Yes	County recorder of the county in which such bonds have been or are issued [Idaho Code § 57-301].		Check 57-301 for information that must be contained on these documents
Bonds	Official bonds	Idaho Code § 31-2402(1)(d)	Official Bonds [Idaho Code § 59-809, 59-804]	Yes	County clerk of the county where the individual is an officer.		Many county officers no longer have surety bonds due to the ability to substitute "suitable crime insurance" for the bond requirement (Idaho Code § 59-804). The recorder's bond should be filed with the district court judge, along with an attested copy is recorded (Idaho Code § 31-2309).
Certificates of sale		Idaho Code §§ 11-310, 31-2406		No	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		These must be recorded in the "certificates of sale" book. This book must have four columns: plaintiff in the execution, defendant in the execution, the purchaser at the sale, and the date of the sale.
Condominium	Declaration, plats, deeds, by-laws, administrative provisions, articles of incorporation, amendments	Idaho Code § 55-1508		Plats are kept	County recorder in the county or counties where the project is located [Idaho Code § 55-1508].		
Contracts	Prospecting and mining contracts	Idaho Code § 53-411		No	County recorder of the county wherein it is proposed to prosecute the business of said copartnership, or where the property affected by such contract is situated [Idaho Code § 53-411].		
Cornerstone markers		Idaho Code § 31-3205(4)		Yes	County recorder of the county in which the lands are located		Note: Cornerstone markers are to be filed, not recorded [Idaho Code § 31-3205(4)].

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Criminal forfeitures	Notice of forfeiture	Idaho Code § 37-2744A		No	County recorder of the county in which the party or any party thereof is situated [Idaho Code § 37-2744A].		Idaho Code § 37-2744A provides for the recording of notices by the Idaho State Police concerning the seizure and forfeiture of real property associated with drug trafficking crimes. Idaho Code § 37-2744A(b) specifies what must be contained in the notice.
District	Drainage district assessment rolls	Idaho Code § 42-2935			County recorder of the county in which the lands are located		
District	Fire protection district annexation or consolidation orders	Idaho Code §§ 31-1411, 31-1412, 31-1413			County recorder of the county in which the territory proposed to be annexed is located.		
District	Fire protection district formation orders	Idaho Code § 31-1407			County recorder of the county in which the district is located.		
District	Flood control district formation order	Idaho Code § 42-3108			County recorder of the county in which the district is located.		
District	Ground water district boundary change	Idaho Code § 42-5250			County recorder of each county within which are situated any of the lands of the district.		
District	Ground water district exclusion order	Idaho Code § 42-5256			County recorder of each counties within which the district is located.		
District	Ground water district formation order	Idaho Code § 42-5213			County recorder of each county in which any portion of the district is located.		
District	Ground water management district exclusion order	Idaho Code § 42-5131			County recorder of each county within which the district is located.		
District	Ground water management district formation order	Idaho Code § 42-5103			County recorder of each counties within which the district is located, as well as the secretary of state.		
District	Ground water recharge district	Idaho Code §§ 42-4228, 42-4229, 42-4230			County recorder where in the property of the water user affected by such liability and the discharge thereof is located		
District	Ground water recharge district - decision and order of board or district court	Idaho Code §§ 42-4230			County recorder of the counties within which the district is situated.		
District	Hospital annexation orders						
District	Hospital district formation orders	Idaho Code § 39-1325			County recorder of each county within which the district is located.		
District	Irrigation district annexation orders	Idaho Code § 43-2411			County recorder of each county within which the district is located.		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
District	Irrigation district boundary changes	Idaho Code § 43-1010	Direct - name of irrigation district; indirect - public		County recorder of each county within which the district is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Irrigation district contracts	Idaho Code § 43-330D	Direct - name of irrigation company; indirect - name of property owner	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county in which any portion of the land covered by the contract is located.		
District	Irrigation district delinquencies	Idaho Code § 43-803	Direct - name of irrigation company; indirect - names of the property owners listed within the delinquency list	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county in which the chain of title to the property is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Irrigation district loss of water right	Idaho Code § 43-1119		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county within which the district is located.	Yes	
District	Irrigation district oaths and bonds	Idaho Code § 43-202			County recorder of the county in which its organization was effected.		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
District	Irrigation district payment certificates	Idaho Code § 43-616		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county within which the district is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Taxing district legal description and map	Idaho Code § 63-215			County recorder and county assessor of each county within which the unit is located, and the Idaho state tax commission.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Water district corporate fidelity bond	Idaho Code § 42-3209			Clerk of the court		
Financing statements	Financing statement for collateral, including fixtures, of a transmitting utility	Idaho Code § 28-9-501(a)(2)		Yes (Idaho Code § 28-9-105)	Secretary of State [Idaho Code § 28-9-501(a)(2)]		
Financing statements	UCC financing statements for fixtures or collateral about to become a fixture	Idaho Code §§ 31-2402, 28-9-501(a)(1)(B)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the fixture or collateral are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for materials similar to minerals and oil and gas	Idaho Code § 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the materials are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for minerals	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the minerals are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Financing statements	UCC financing statements for oil and gas	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the oil and gas are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for timber to be cut	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the timber to be cut is located.		These UCC financing statements serve to perfect a security interest or agricultural lien in these types of items. Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements pursuant to Idaho Code § 28-9-301	Idaho Code § 31-2402		Yes (Idaho Code § 28-9-105)			
Historic property sites	Ordinary designated historic property	Idaho Code §§ 67-4615, 67-4614			County recorder of the county in which the property is located.		Idaho Code § 67-4615 provides for the recording of notices of the declaration that a property is a historic property.
Judgments, orders, and decrees	Certified copies of any order or decree made or entered in any proceeding under the national bankruptcy act.	Idaho Code § 31-2402(1)(k)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Certified copy of a decree of a partition	Idaho Code §§ 31-2407, 31-2402(1)(a), 31-2408		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Decrees which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Judgments, orders, and decrees	Final order of condemnation	Idaho Code §§ 7-716, 40-2302(2), 31-2407, 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Idaho Public Utility Commission Orders	Idaho Code § 61-608		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility.		
Judgments, orders, and decrees	Judgments from quiet title actions that affect the title to real property	Idaho Code §§ 31-2407, 31-2402(1)(a), 6-401		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Notice of order of a general adjudication in conformance with Idaho Code 42-1408 (water rights)	Idaho Code §§ 31-2402(1)(m), 42-1408			County recorder in each county in which any part of the water system is located		
Judgments, orders, and decrees	Redemptions from judgments	Idaho Code § 11-403		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated		Note: The recorder must also note the record thereof in the margin of the record of the certificate of sale.
Judgments, orders, and decrees	Transcripts of judgment which by law are made liens upon real estate	Idaho Code §§ 55-802, 55-801, 31-2402(1)(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Judgments, orders, and decrees	Transcripts of judgments which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a), 55-801, 55-802		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Leases	Leases for real property	Idaho Code § 31-2402(1)(a)	Director - lessor; indirect - lessee	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		This is an agreement that affects the title or possession of real property. It must meet the requirements of Idaho Code § 55-601.
Leases	Leases of livestock	Idaho Code § 25-2001			County recorder in the county in which the property is situated	Yes, in like manner as grants of real property	
Liens	Agricultural commodity produce or dealer lien	Idaho Code § 45-1804, 45-1802			Secretary of State [Idaho Code § 45-1804(2)]		The code authorizes purchasers and dealers to assert a lien or the proceeds of a sale until payment is made in full.
Liens	Attorney fees	Idaho Code § 3-205	Direct - attorney; indirect - party who owes the attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		To be recordable, either 1) the lien claim must have been validated by judgment or court order and a certified copy thereof is presented for recordation; OR 2) an instrument securing (or purporting to secure) payment of attorney's fees, such as a mortgage or deed of trust, has been presented for recordation and meets the legal requirements for recordation.
Liens	Child support liens by the State of Idaho	Idaho Code § 45-1901	Direct - State of Idaho; indirect - party who owes child support	No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State [Idaho Code § 45-1901(1), (2)(e)]		
Liens	Conservator's lien (board of community guardian)	Idaho Code § 15-5-602(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in each county where project subject to the lien is located.		The notice of the lien must contain at least the following information: full court heading of the action in which the appointment was made; the effective date of the lien; the name and address of the board; and any limitations or terms regarding the fees covered by the lien contained in the order of appointment.

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Liens	County medical indigency financial assistance liens	Idaho Code §§ 31-3504(4), 31-3510A(4)	Direct - county indigent / welfare / social services office; indirect - party requesting assistance	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the applicant and the obligated person own property or have resources that may be liquidated or unliquidated in amount.		
Liens	Employment security lien by the Idaho Department of Labor	Idaho Code §§ 45-1901(2)(b), 72-1360	Direct - State of Idaho; direct - Idaho Department of Labor; indirect - party that the lien is against		Secretary of State		
Liens	Homeowner associations	Idaho Code § 45-810	Direct - the homeowners association; indirect - property owner	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the lot or some part thereof is located.	Yes. The claim must be verified by the oath of an individual having knowledge of the facts.	
Liens	Hospital, nursing care and medical care liens	Idaho Code §§ 45-702 and 45-703	Direct - facility; indirect - patient	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the care-rendering facility or provider is located.		Special instructions: The recorder shall endorse thereon the date and hour of recording and, at the expense of the county, shall provide a hospital lien book with proper index in which he shall enter the date and hour of such recording, the name and address of such hospital and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damage.
Liens	Idaho Department of Labor liens	Idaho Code § 45-1901(2)(b)	Direct - State of Idaho; direct - Idaho Department of Labor; indirect - party that the lien is against	No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Lien by the Idaho State Tax Commission	Idaho Code § 45-1901(2)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Liens of mechanics and materialmen	Idaho Code § 45-509			County recorder	Yes [Idaho Code 55-805; <i>Kloos v. Jacobson</i> , 30 Bankr. 965 (Bankr. D. Idaho 1983)]	

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Liens	Logger's liens	Idaho Code § 45-404, 45-401 through 45-403	Grantor [Idaho Code 31-2404(1), 45-509 says same as "conveyance"]; grantee [Idaho Code 31-2404(2), 45-509 says same as "conveyance"]		County recorder in the county in which the wood was cut, or in which the wood was manufactured. If the wood was removed to another county, then with the county recorder in the county to where the wood was removed [Idaho Code § 45-404, 45-407]		Idaho Code § 45-407 provides guidance for what the language of the notice should look like.
Liens	Medical assistance liens by the State of Idaho	Idaho Code § 45-1901(1)(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Notice of federal liens - non-real property	Idaho Code § 45-202(e)			Depends. If the lien applies against the interest of a corporation or partnership whose principal executive office is in Idaho, a trust, or the estate of a decedent, then file with the Secretary of State. In all other cases, the county recorder of the county where the person against whose interest the lien applies resides at the time of filing of the notice of lien. [Idaho Code § 45-202(c)]	No [Idaho Code § 45-203]	
Liens	Notice of federal liens - real property	Idaho Code § 45-202(b)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county where the real property is located [Idaho Code § 45-202]	No [Idaho Code § 45-203]. On a federal IRS lien, there is a note that states "Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien Rev. Rul. 71-466, 1971 2 c.b. 409"	These do not require acknowledgment (Idaho Code § 45-203).
Liens	Notices of attachments upon real estate	Idaho Code § 31-2402(1)(g)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Liens	Notices of mechanics' liens	Idaho Code § 31-2402(1)(e)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes [Idaho Code 55-805; <i>Kloos v. Jacobson</i> , 30 Bankr. 965 (Bankr. D. Idaho 1983)]	
Liens	Slash disposal liens	Idaho Code § 38-123			County recorder of the county in which such timber or other forest products were cut. If the wood was removed to another county, then with the county recorder of the county to which the wood was removed.		
Liens	Water liens	Idaho Code § 42-906		No, as long as has scanned copy [Idaho Code 31-2402A].			The code for the recording of liens associated with providing water service to property owners.
Marriage	Certificates of marriage and marriage contracts	Idaho Code § 31-2402(1)(b)	Direct - groom; indirect - bride		County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	No [Idaho Code § 55-816]. Instead, when issuing the license, include this statement "In testimony whereof, I have hereunto set my hand an affixed my official seal at (city), _____ county, Idaho this ___ day of ___, A.D. 2016." Then stamp the certificate with the county seal.	
Marriage	Community property agreements, aka Agreements to pass property at death to surviving spouse	Idaho Code § 15-6-201(d), (c)			County recorder of the county of the domicile of the decedent and of each county in which real property described therein is located.	Yes, same as deeds [Idaho Code § 15-6-201(c)]	
Marriage	Instruments describing or relating to the separate property of married women	Idaho Code § 31-2402(1)(f)	Index both parties' names	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Marriage	Pre-nuptial agreement	Idaho Code §§ 31-2402(1)(i), 32-907, 32-908		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the parties reside.	Yes, in the same way as for conveyance of real property [Idaho Code §§ 32-907]	These can affect the title to real property and therefore should be recorded.
Military	Discharge orders, such as DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553	Idaho Code § 65-301	Direct - branch of service; indirect - officer's name	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder - not specified in code.	These do not require a notary acknowledgment.	Note: Do not charge veterans who wish to record these documents [Idaho Code § 65-301(1)]. Veterans may record discharge papers with personal identifying information redacted [Idaho Code § 65-301(2)].
Notices of location	Certificates and notices of location with affidavits attached	Idaho Code § 55-804, 55-801			County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	No [Idaho Code § 55-804]	
Notices of location	Notice of location of claim	Idaho Code § 47-604			County recorder of the county in which the claim is situated.	No [Idaho Code § 55-804]	These do not require acknowledgement or further proof
Petitions	Certified copies of any petitions, with the schedules omitted, filed [filed] in any proceeding under the national bankruptcy act	Idaho Code § 31-2402(1)(k)			County recorder - code doesn't specify where. If the document affects real property, then the county recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808].		
Powers of attorney	Powers of attorney to convey leases which have been acknowledged or proved which affect the title or possession of real property, including water rights	Idaho Code §§ 31-2402(1)(a), 45-908 (for mortgages), 55-806	Direct - the person giving power of attorney to another party; indirect - the person receiving the power of attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes	Special instructions: Do not record an instrument executed by an attorney in fact until the power of attorney authorizing the execution of the instrument is filed for recording in your office as well.
Powers of attorney	Powers of attorney to convey real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a), 45-908 (for mortgages), 55-806	Direct - the person giving power of attorney to another party; indirect - the person receiving the power of attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes	Special instructions: Do not record an instrument executed by an attorney in fact until the power of attorney authorizing the execution of the instrument is filed for recording in your office as well.
Preemption	Notices of preemption claims	Idaho Code § 31-2402(1)(j)					
Probate code	Conservator's letters	Idaho Code § 15-5-421		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in any county in which property affect by the letters or orders is located [Idaho Code § 15-5-421].		Idaho Code § 15-5-421 provides for the recording of the letters of appointment for a conservator and the creation of a conservator's lien

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Probate code	Letters of personal representatives	Idaho Code §§ 15-1-305A, 15-1-201(28)			County recorder of the county in which the real property affected by any such letters, statement, determination, order, document or decree is located [Idaho Code § 15-1-305A].		
Probate code	Letters of trusteeship	Idaho Code §§ 15-7-403			County recorder of the county in which property held by the trust is located [Idaho Code § 15-7-403].		
Probate code	Lien for the board of community guardian	Idaho Code § 15-5-602		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in every county where property subject to the lien is located [Idaho Code § 15-5-602(f)]		
Probate code	Wills admitted to probate	Idaho Code § 31-2402(1)(c)	Wills [Idaho Code § 31-2404(14)]	No, as long as has scanned copy [Idaho Code 31-2402A].			Note: Inform the individual requesting the recording that when a will is recorded, then it does become a public record, and therefore anyone is capable of viewing the will. People will often choose not to record their will because of this.
Real property	Any instrument or judgment affecting title to or possession of real property	Idaho Code § 55-801		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
Real property	Conservation easements	Idaho Code § 55-2102		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		
Real property	Conveyance	Idaho Code § 55-801	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property	Corner Perpetuation and Filing (CP&F)	Idaho Code § 55-1607		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county containing the corner	No, but the surveyor seal is required [Idaho Code §§ 54-1215(3)(b), (c); 55-1609]	Special instructions: Corner records need to be kept in proper indexes by section, township, and range.
Real property	Declarations of homestead	Idaho Code § 55-1004		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the land is located [Idaho Code § 55-1004(2)]	Yes	
Real property	Declarations of non-abandonment of homestead	Idaho Code § 55-1006			County recorder of the county in which the land is located [Idaho Code § 55-1006]		
Real property	Homestead claims	Idaho Code § 58-903		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the claim is situated [Idaho Code § 58-903].		While likely moot today, Idaho Code § 58-903 provides for the recording of homestead claims.
Real property	Manufactured home statement of intent	Idaho Code §§ 63-304, 63-305		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the manufactured home is situated [Idaho Code § 63-304(1)(b)].	Yes	Owners of permanently affixed manufactured homes can have it treated as real property for property tax assessment purposes by recording this "statement of intent."
Real property	Master form	Idaho Code § 45-1004	Name of the person causing it to be recorded [Idaho Code § 45-1004(2), (5)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]. Note, however, that Idaho Code § 45-1004(1) states that these can be recorded in any county.	No [Idaho Code § 45-1004(1)].	Make sure that the document does not have the words "do not record" or "not to be recorded" on it, and that the document is plainly separated from the matter to be recorded as part of the mortgage or deed of trust [Idaho Code § 45-1004(4)].
Real property	Records of survey	Idaho Code § 55-1904		Yes [Idaho Code §§ 55-1904 and 31-3205(4) require filing, not just recording]	County recorder in the county or counties wherein the lands surveyed are situated [Idaho Code § 55-1904].	No, but the surveyor seal is required [Idaho Code § 54-1215(3)(b), (c); 55-1906]	
Real property	Urban renewal plans and transfers of property by an urban renewal agency	Idaho Code § 50-2011			County recorder of the county in which the urban renewal agency is located [Idaho Code §§ 50-2011(a), 55-808] .		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - affidavits	Affidavits	Idaho Code § 55-816		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes, a jurat "sworn to and subscribed before me this day..." is required (Idaho Code 51-109, 55-816).	
Real property - affidavits	Facts showing or explaining date of birth	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes	
Real property - affidavits	Facts showing or explaining date of death	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes	
Real property - affidavits	Facts showing or explaining date of marriage	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining delivery of deed by grantor during grantor's lifetime	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining identity of persons	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining marital status	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining occupation of real property as a homestead	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - affidavits	Facts showing or explaining place of residence with respect to any person mentioned in any recorded instrument affecting title to real property	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining possession of real property when title thereof is deraigned through tax deed	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining the identification of plats or descriptions of real property	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		It must be signed by the grantor and grantee name in the document of transfer that contains the descriptions being corrected, or, if the grantor is not available, must be signed by the grantee.
Real property - affidavits	Tax deed affidavits of compliance	Idaho Code § 63-1005		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-816, 63-1005].		
Real property - deeds	Deeds which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]		County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - deeds	Official deeds	Idaho Code § 31-2405	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]. Be sure to list the sheriff, collector, administrator, trustee, or officer in their official capacity as the "grantor;" include the individual's name and his/her office [Idaho Code § 31-2405].	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - deeds	Quit claim deed	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - deeds	Warranty deed	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - mortgages	Mortgages of real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-8108].		
Real property - mortgages	Releases of mortgages which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - notices	Notices of the pendency of an action affecting real estate, the title thereto or possession thereof	Idaho Code § 31-2402(1)(h)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - plats	Assessment forced plats	Idaho Code §§ 63-210 and 50-1314			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 63-210(1), 50-1314].		Special instructions: Do not charge a fee for filing this one [Idaho Code § 63-210]. Plats are to be filed, not recorded [Idaho Code § 31-3205(4)].
Real property - plats	Forced plats	Idaho Code § 50-1314			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1314].		Special instructions: Plats are to be filed, not recorded [Idaho Code § 31-3205(4)].
Real property - plats	Plats	Idaho Code § 50-1310	Direct - name of the subdivision; indirect - public	Yes [Idaho Code § 31-3205]	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1310].		Special instructions: Plats are to be filed, not recorded [Idaho Code § 31-3205(4)]. In a county where a highway district exists and is in operation, do not accept a plat for recording unless the commissioners of the highway districts have accepted the plat in writing [Idaho Code § 50-1312].

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - plats	Vacations	Idaho Code § 50-1324			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1324(2)].		Special instructions: Before recording a vacation of a plat, the county treasurer must certify that all taxes due are paid and that certification is recorded as part of the records of the vacation. Furthermore, verify that the other documents required by Idaho Code § 50-1324(2) are recorded and indexed together with the vacation of plat.
Real property - transfers	Grants which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808].		
Real property - transfers	Transfers of real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Roads	Acquisition, validation, abandonment, or vacation of highway or right-of-way	Idaho Code §§ 40-202, 40-203(1)(j), 40-203A(5)			County recorder of the county in which the highway is located.		
Roads	Detachment or annexation of territory	Idaho Code § 40-1621			County recorder of the county in which the highway district is located		
Roads	Highway and road system	Idaho Code §§ 40-202(2)(a), 203(1)(j)			County recorder		
Roads	Rights of way - requests for acknowledgment of federal land right of way	Idaho Code § 40-204A			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 40-204A(6), 55-808].		Idaho Code § 40-204A provides that the State of Idaho recognizes the federal land rights of way created under "Revised Statute 2477" of the federal law. Idaho Code § 40-204A(6) states that persons seeking acknowledgment of federal land rights of way shall file with the county recorder a request for acknowledgment and any supporting documentation. The county recorder shall place the acknowledgment document on the county road system map.
Roads	Rights of way - acquisition, abandonment, or vacation of public right of way	Idaho Code §§ 40-202, 40-203			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 40-202(2)(a), 40-203(1)(j), 55-808].		
Statements of authority as to real property	Unincorporated nonprofit associations	Idaho Code § 30-27-107			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 30-27-107(b), 55-808].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Surveys			Direct - indexing number; indirect - surveyor; indirect - the person the survey is for	Yes [Idaho Code § 31-3205(4) requires filing, not just recording]	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No, but the surveyor seal is required [Idaho Code §§ 54-1215(3)(b), (c); 55-1609]	Note: Surveys are to be filed, not recorded [Idaho Code § 31-3205(4)]. The large survey is kept in the office, and then a reduced unofficial copy that is scanned into the system.
U.S. patents	Letters patent and all other instruments that evidence or affect title to geothermal resources	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
U.S. patents	Letters patent and all other instruments that evidence or affect title to minerals including but not limited to oil and gas	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
U.S. patents	Letters patent and all other instruments that evidence or affect title to real property	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
Water	Carey Act Water Rights Contract	Idaho Code § 42-2027			County recorder of the county where the laid is located [Idaho Code § 55-808].		These contracts can be recorded and act as a lien [Idaho Code § 42-2026].
Water	Carey Act Water Rights Lien	Idaho Code § 42-2026, 42-2027			County recorder of the county where the laid is located [Idaho Code § 55-808].		
Water	Sale of water rights	Idaho Code §§ 42-2603, 42-2604			County recorder of each county in which lands are situated for which water rights are sold in such irrigation works [Idaho Code §§ 42-2603.		
Water	Transfer of water rights	Idaho Code § 42-2502			County recorder of each county where land is situated from which such right is transferred and the county recorder of each county where the land is situated to which such right is transferred [Idaho Code § 42-2502].		
Water or canal corporation annual report		Idaho Code § 30-806			County recorder of every county in which the company distributes water under sale or rental [Idaho Code § 30-806].		

APPENDIX A

Indices



110 Horizon Drive, Suite 210, Raleigh, NC 27615
919.459.2070

Land Records Management System Best Practices

Adopted by the PRIA Board on December 19, 2018

<http://www.pria.us>

eRecording

The ability to receive and process documents submitted electronically is a basic requirement of today's LRMS. eRecording is the process of receiving, reviewing, recording, and returning electronic documents. If documents are not recordable, the electronic document is rejected by the recording jurisdiction back to the submitter with a rejection reason. Submitters can then correct and resubmit the electronic document. When enabled to eRecord, a recording jurisdiction can process and record digital documents while mirroring the workflow used to record paper documents.

There are two types of electronic documents that may be presented for recording. One type is images that originate as paper documents, then are scanned and submitted electronically. The second type is fully electronic and has been digitally signed and notarized. Documents are typically submitted to the recording jurisdiction by an eRecording vendor. These vendors usually integrate with the recording jurisdiction's LRMS to submit seamlessly electronic documents and data for recording. The vendors have submitter customers who are trained to use the vendor's software to expedite the electronic delivery of recordable documents into the recording jurisdiction. There is also the option for government-to-government (G2G) integrations to streamline interagency recordings.

With these submission types there can be some preliminary identifying data provided for streamlined recordation. The digital documents are delivered to the recording jurisdiction as either TIFF or PDF images, based on the recording jurisdiction's preference. Once these electronic documents are recorded, they can be seamlessly inserted into the LRMS without having to be scanned first and uploaded into the paper workflow.

As a best practice, an LRMS should provide seamless integration between the handling of electronic documents and paper documents to simplify the recording workflow.

The LRMS should provide a flexible workflow for recording both paper and electronic documents so the recording jurisdiction can manage one consistent recording process. Flexible workflow should, at a minimum, allow the recording jurisdiction to:

1. Receive, view, modify, and handle fee discrepancies so that fee information received from the submitter can be compared to fees charged by the recording jurisdiction. The recording jurisdiction should be able to notify the submitter that the estimated fees and actual fees vary, prior to recording, rather than trying to resolve discrepancies after the recording has been completed and paid for.
2. Review and edit identifying data delivered by the submitter.
3. Allow for data entry or review of identified data. A recording jurisdiction may have unique indexing data requirements so the ability to add, modify, identify or delete information quickly and efficiently will accommodate jurisdiction-specific requirements.

Pam Eckhardt

From: IdahoClerks@groups.io on behalf of Phil McGrane via groups.io
<pmcgrane=adacounty.id.gov@groups.io>
Sent: Wednesday, June 22, 2022 04:34 PM
To: IdahoClerks@groups.io
Subject: [IdahoClerks] Racially Restrictive Covenants Bill - Effective July 1
Attachments: 6.16.22 Racially Restrictive Covenants Form.docx

Hello Clerks,

I wanted to provide an update on SB 1240 as the effective date is quickly approaching, and action on your part may be needed.

During the 2022 legislative session, Senate Bill 1240 was signed into law, which addresses the recording of covenants and deeds. This legislation allows homeowners or tenants to update their housing covenant to remove racially restrictive language from property covenants and deeds, free of charge. The law will go into effect on July 1, 2022.

Most title companies already supply homeowners with a form addressing discriminatory language in CC&R documents, however, the passing of §55-616 allows for this process to publicly address the issue.

Effective July 1, the property owner or current tenant of the property can record a document that will remove racially restrictive language from property covenants and deeds. The document must list the county, the date, the name of the subdivision, instrument number of the CC&R's, the name(s) of the current owners, the legal description of the property, and a brief description of the prohibited covenant. The person submitting the form should sign it and their signature should be notarized. Clerks may use the attached form if desired. No other modifications to the covenants shall be allowed on a restrictive modification form.

Per statute, this type of document must be recorded at no charge. Depending on the recording software used by a county, changes may be needed to ensure no recording fees are charged for this type of document.

Please don't hesitate to reach out to me with any questions. Thanks!

Katie Reed
Assistant Chief Deputy
Ada County Clerk's Office
200 W. Front St., Boise, ID 83702
(208) 287-7967

Groups.io Links:

You receive all messages sent to this group.

[View/Reply Online \(#8980\)](#) | [Reply To Group](#) | [Reply To Sender](#) | [Mute This Topic](#) | [New Topic](#)
[Your Subscription](#) | [Contact Group Owner](#) | [Unsubscribe](#) [peckhardt@co.bingham.id.us]

IN THE SENATE

SENATE BILL NO. 1240

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO RESTRICTIVE COVENANTS; AMENDING CHAPTER 6, TITLE 55, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 55-616, IDAHO CODE, TO PROVIDE FOR THE
3 PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS FOR REAL PROPERTY;
4 AMENDING CHAPTER 8, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
5 TION 55-820, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION AND REMOVAL OF
6 RESTRICTIVE COVENANTS FOR REAL PROPERTY; AND DECLARING AN EMERGENCY AND
7 PROVIDING AN EFFECTIVE DATE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 6, Title 55, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 55-616, Idaho Code, and to read as follows:

13 **55-616. PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS.** (1) Every
14 provision in a written instrument relating to real property that purports to
15 forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof
16 to individuals because of race, color, ethnicity, or national origin and ev-
17 ery condition, restriction, or prohibition, including a right of entry or
18 possibility of reverter, that directly or indirectly limits the use or oc-
19 cupancy of real property on the basis of race, color, ethnicity, or national
20 origin is void.

21 (2) It shall be unlawful to insert in a written instrument relating to
22 real property a provision that is void under this section or to honor or at-
23 tempt to honor such a provision in the chain of title.

24 (3) The owner or tenant of property subject to a written instrument
25 that contains a provision that is void pursuant to subsection (1) of this
26 section may record a restrictive covenant modification document with the
27 county clerk in the county in which the property is located. Such modifica-
28 tion document shall be a standard form developed and designed by the county
29 clerk. Each county clerk shall make available in the county clerk's office
30 instructions on how to record a restrictive covenant modification document
31 and shall provide such instructions on the county website, if applicable.

32 (4) The modification document shall contain a recording reference to
33 the original written instrument and a legal description of the property, and
34 the owner or tenant who causes to be recorded a modification document shall
35 clearly state the person's name on the modification document and shall ex-
36 ecute the modification document prior to recordation. Except for a modifi-
37 cation regarding a provision that is void pursuant to subsection (1) of this
38 section, no other modifications shall be allowed on a restrictive covenant
39 modification form.

40 (5) The modification document must state, in part: "The referenced
41 original written instrument contains discriminatory provisions that are
42 void and unenforceable under Section 55-616, Idaho Code, and federal law.

1 This document strikes from the referenced original instrument all provi-
2 sions based on race, color, ethnicity, or national origin that are void and
3 unenforceable under law."

4 (6) The effective date of the modification document shall be effective
5 as of the date of the original document and shall supersede the discrimina-
6 tory language in the original written instrument.

7 (7) If the owner or tenant causes to be recorded a modification document
8 that contains modifications not authorized by this section, the county clerk
9 shall not incur liability for recording the document. Any liability that may
10 result is the sole responsibility of an owner or tenant who willfully causes
11 the recordation with modifications not authorized by this section.

12 (8) No filing or recording fees or otherwise authorized surcharges
13 shall be required for the filing of a modification document pursuant to this
14 section.

15 (9) Nothing in this section shall affect the provisions of section
16 67-5909(10), Idaho Code.

17 SECTION 2. That Chapter 8, Title 55, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 55-820, Idaho Code, and to read as follows:

20 55-820. PROHIBITION AND REMOVAL OF RESTRICTIVE COVENANTS. No deed
21 recorded on or after July 1, 2022, shall contain a reference to a restrictive
22 covenant prohibited by section 55-616(1), Idaho Code. A county clerk may
23 refuse to accept any deed submitted for recordation that references any such
24 restrictive covenant. The person who prepares or submits a deed for recor-
25 dation has the responsibility for ensuring that such a restrictive covenant
26 is not referenced in the deed prior to such deed being submitted for recorda-
27 tion. Any deed that is recorded in the land records on or after July 1, 2022,
28 that mistakenly contains such a restrictive covenant shall nevertheless
29 constitute a valid transfer of real property but without any effect given to
30 the prohibited language.

31 SECTION 3. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after
33 July 1, 2022.