

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 946

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JOHNSON.

Read 1st time February 1, 2000, and 1,000 copies ordered printed.

Read 2nd time February 8, 2000, and referred to the Committee on Local Government and Economic Development.

Reported from the Committee February 21, 2000, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 28, 2000. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4235S.02P

AN ACT

To repeal sections 59.310 and 59.313, RSMo 1994, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 59.310 and 59.313, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 59.005, 59.310 and 59.313, to read as follows:

59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Abbreviated legal description", the reference to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat or if the property has not been platted, means the acreage, if applicable, the quarter/quarter section, and the section, township and range of property. The address of the property shall not be accepted as an abbreviated legal description;

(2) "Document" or "instrument", any writing or drawing presented to the recorder of deeds for recording;

(3) "File", "filed" or "filing", the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;

(4) "Grantor" or "grantee", the names of the parties involved in the transaction

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

used to create the recording index;

(5) "Legible", all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;

(6) "Page", any writing, printing or drawing covering all or part of one side of a paper including the cover sheet, not larger than eight and one-half inches in width and eleven inches in height or of a drawing and calculations of a plat or survey not larger than eighteen inches in width and twenty-four inches in height. Any other material of a plat or survey shall be on separate sheets of paper, the size not larger than eight and one-half inches in width and eleven inches in height;

(7) "Record", "recorded" or "recording", the recording of a the document into the official public record, regardless of the process used;

(8) "Recorder of deeds", the separate recorder of deeds in those counties where separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except that a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than ten-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than ten-point type, such document shall be accompanied by an exact typewritten copy not smaller than ten-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than ten-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover

or interfere with any part of the document;

(6) Margins on the document shall be a minimum of one inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document presented for recording shall have a first page cover sheet that the recorder of deeds will rely on for indexing purposes and it shall not be the responsibility of the recorder's staff to read the document to verify the accuracy of or the completeness of the information. The cover sheet shall be completed in accordance with the following:

(1) The cover sheet shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins shall be at least one inch;

(2) All information provided on the cover sheet shall be typed or printed in at least ten-point type and shall be in black or dark ink;

(3) The cover sheet shall minimally contain the following information for indexing purposes as submitted by the preparer or presenter:

(a) The title or type of the document to be recorded shall be immediately below the horizontal line denoting the recorder's area;

(b) The cover sheet shall contain the date of the document to be shown in the indexes;

(c) The cover sheet shall contain any and all grantors names to be shown in the indexes;

(d) The cover sheet shall contain any and all grantees names to be shown in the indexes;

(e) The cover sheet shall contain the grantee's mailing address as required pursuant to section 59.330;

(f) The cover sheet shall contain an abbreviated legal description of the property. If a survey has been recorded on the property, the book and page of said survey shall be included. In no case shall an address be accepted as an abbreviated legal description;

(g) For a release deed or assignment or another document that requires reference to a prior document, the cover sheet shall contain the prior document title, document number, book and page and the date of recording;

(h) The assessor's parcel number shall be included on the document where required by law;

(i) The cover sheet may contain any additional information where required by law. The cover sheet may also contain any additional information that the preparer or presenter may want to set out. The recorder of deeds shall not be liable to index any of the information set out under the area of the cover sheet provided for miscellaneous information;

(j) The cover sheet may contain the name and address to whom the document will be returned designated under the last item of the cover sheet;

(k) The cover sheet shall be in substantially the following form:

"RECORDER'S CERTIFICATION AREA

1. Title/type of document:

2. Date of document:

3. Grantor(s):

4. Grantee(s):

5. Grantee's mailing address:

6. Abbreviated legal description:

Lot Block Plat Number

Plat Book/Page

Subdivision:

Acreage Quarter/Quarter Section

Township Range Survey Book/Page

7. Release deed/assignment reference:

8. Assessor's parcel number:

9. Miscellaneous:

10. Document return name and address:"

(4) For a period of two years from January 1, 2001, if there is no cover sheet presented with the document, the recorder of deeds shall prepare one and attach it to the document. For this noncompliance, the recorder shall charge a fee of five dollars over and above all other fees and shall incur no liability for the accuracy contained in the cover sheet. Thereafter, the recorder of deeds shall not accept a document without a cover sheet;

(5) Documents which must be recorded immediately and which do not meet the requirements set forth in this section may be recorded for an additional fee of fifty dollars. In addition to the cover sheet, the preparer or presenter of the document shall sign a statement which must be attached to the document and shall read substantially as follows:

"I am requesting an emergency nonstandard record for an additional fee pursuant to section 59.310, RSMo. I understand that as an emergency nonstandard document there may be parts of the text or original document

covered up or deleted from the permanent record.

.....

Signature"

(6) Any errors in the cover sheet shall not affect the transaction as to the validity or content of the document itself.

3. Documents which are exempt from format requirements and which the recorder of deeds may record with a properly completed cover sheet include the following:

- (1) Documents which were signed prior to January 1, 2001;**
- (2) Military separation papers;**
- (3) Documents executed outside the United States;**
- (4) Certified copies of documents, including birth and death certificates;**
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and**

(6) Judgments or other documents formatted to meet court requirements.

4. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

5. Recorder of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;

(2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: one dollar;

(4) For recording a plat or survey: twenty-five dollars for each page of drawings and calculations plus five dollars for each page of other materials;

(5) For copying a plat or survey: a fee not to exceed five dollars for each page of drawings and calculations and one dollar for each page of other material;

(6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply;

(7) For every certified copy of a marriage license or application for a marriage license: two dollars; and

(8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee. For all other personnel services, use of equipment and use of office facilities, the recorder of deeds shall set a reasonable fee.

59.313. 1. The recorder of deeds in a city not within a county may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except that a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than ten-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than ten-point type, such document shall be accompanied by an exact typewritten copy not smaller than ten-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than ten-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document;

(6) Margins on the document shall be a minimum of one inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document presented for recording shall have a first page cover sheet that the recorder of deeds will rely on for indexing purposes and it shall not be the responsibility of the recorder's staff to read the document to verify the accuracy of or the completeness of the information. The cover sheet shall be completed in accordance with the following:

(1) The cover sheet shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins shall be at least one inch;

(2) All information provided on the cover sheet shall be typed or printed in at least ten-point type and shall be in black or dark ink;

(3) The cover sheet shall minimally contain the following information for indexing purposes as submitted by the preparer or presenter:

(a) The title or type of the document to be recorded shall be immediately below the horizontal line denoting the recorder's area;

(b) The cover sheet shall contain the date of the document to be shown in the indexes;

(c) The cover sheet shall contain any and all grantors names to be shown in the indexes;

(d) The cover sheet shall contain any and all grantees names to be shown in the indexes;

(e) The cover sheet shall contain the grantee's mailing address as required pursuant to section 59.330;

(f) The cover sheet shall contain an abbreviated legal description of the property. If a survey has been recorded on the property, the book and page of said survey shall be included. In no case shall an address be accepted as an abbreviated legal description;

(g) For a release deed or assignment or another document that requires reference to a prior document, the cover sheet shall contain the prior document title, document number, book and page and the date of recording;

(h) The assessor's parcel number shall be included on the document where required by law;

(i) The cover sheet may contain any additional information where required by law. The cover sheet may also contain any additional information that the preparer or presenter may want to set out. The recorder of deeds shall not be liable to index any of the information set out under the area of the cover sheet provided for miscellaneous information;

(j) The cover sheet may contain the name and address to whom the document will be returned designated under the last item of the cover sheet;

(k) The cover sheet shall be in substantially the following form:

"RECORDER'S CERTIFICATION AREA

- 1. Title/type of document:**
- 2. Date of document:**
- 3. Grantor(s):**
- 4. Grantee(s):**
- 5. Grantee's mailing address:**
- 6. Abbreviated legal description:**

Lot Block Plat Number

Plat Book/Page

Subdivision:

Acreage Quarter/Quarter Section

Township Range Survey Book/Page

7. Release deed/assignment reference:

8. Assessor's parcel number:

9. Miscellaneous:

10. Document return name and address:"

(4) For a period of two years from January 1, 2001, if there is no cover sheet presented with the document, the recorder of deeds shall prepare one and attach it to the document. For this noncompliance, the recorder shall charge a fee of five dollars over and above all other fees and shall incur no liability for the accuracy contained in the cover sheet. Thereafter, the recorder of deeds shall not accept a document without a cover sheet;

(5) Documents which must be recorded immediately and which do not meet the requirements set forth in this section may be recorded for an additional fee of fifty dollars. In addition to the cover sheet, the preparer or presenter of the document shall sign a statement which must be attached to the document and shall read substantially as follows:

"I am requesting an emergency nonstandard record for an additional fee pursuant to section 59.313, RSMo. I understand that as an emergency nonstandard document there may be parts of the text or original document covered up or deleted from the permanent record.

.....

Signature"

(6) Any errors in the cover sheet shall not affect the transaction as to the validity or content of the document itself.

3. Documents which are exempt from format requirements and which the recorder of deeds may record with a properly completed cover sheet include the following:

- (1) Documents which were signed prior to January 1, 2001;**
- (2) Military separation papers;**
- (3) Documents executed outside the United States;**
- (4) Certified copies of documents, including birth and death certificates;**
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and**
- (6) Judgments or other documents formatted to meet court requirements.**

4. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

5. Recorder of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: ten dollars for the first page and five dollars for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: three dollars for the first page and two dollars for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: two dollars;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four dollars for each page of drawings and calculations plus ten dollars for each page of other materials;

(5) For recording a survey of one tract of land, in the form of one page: eight dollars;

(6) For copying a plat or survey: eight dollars for each page;

(7) For every certified copy of a marriage license or application for a marriage license: five dollars;

(8) For releasing on the margin: eight dollars for each item released;

(9) For a document which releases or assigns more than one item: seven dollars and fifty cents for each item beyond one released or assigned in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: thirty dollars each. For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.

[59.310. 1. As used in this section, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat, not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact

typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath said signature.

3. Recorders shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: \$5.00 for the first page and \$3.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument except surveys or plats: a fee not to exceed \$2.00 for the first page and \$1.00 for every page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$1.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$25.00 for each page of drawings and calculations plus \$5.00 for each page of other material;

(5) For recording a survey of one tract of land, in the form of one page: \$5.00 per page;

(6) For copying a plat or survey: a fee not to exceed \$5.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$2.00. The only additional fee over and above this is the \$1.00 state user fee on all documents that convey real estate, and a 25-cent fee for identifying each note to an instrument when a document is recorded that creates a lien against the real estate.】

【59.313. 1. As used in this section for recording in the office of the recorder of deeds of any city not within a county, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document. Such additional documents shall be recorded at the same cost as an original;

(3) The document must be of sufficient legibility so as to produce a clear and legible

reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath the signature.

3. The recorder of deeds in any city not within a county shall be allowed fees for his services as follows:

(1) For recording every deed or instrument: \$10.00 for the first page and \$5.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: \$3.00 for the first page and \$2.00 for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: \$2.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: \$44.00 for each page of drawings and calculations plus \$10.00 for each page of other materials;

(5) For recording a survey of one tract of land, in the form of one page: \$8.00;

(6) For copying a plat or survey: \$8.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: \$5.00;

(8) For releasing on the margin: \$8.00 for each item released;

(9) For a document which releases or assigns more than one item: \$7.50 for each item beyond one released or assigned in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: \$30.00 each. For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.]

Section B. The enactment of section 59.005 and the repeal and reenactment of sections 59.310 and 59.313 shall become effective January 1, 2001.

✓