

# What New Recorders Need to Know aka Getting Started

PRIA Webinar  
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# You've got questions

- ▶ What is a Recorder's job anyway?
- ▶ What is recorded? Why?
- ▶ Who do I trust?
- ▶ From day 1 through year 1: a calendar
- ▶ Where can I get answers?
- ▶ Recorder-speak

# Getting Started Guide for Recorders

- ▶ A PRIA paper written especially for new recorders
- ▶ You can find it here:
  - [www.pria.us/Resources/NewRecorders](http://www.pria.us/Resources/NewRecorders)
- ▶ Along with additional material which you'll find helpful

# Recorder's Job?

Job is to record documents, authorized by law, in the public, searchable records of a jurisdiction

Say what?

- ▶ Record documents
- ▶ Authorized by law
- ▶ Public records
- ▶ Searchable records
- ▶ Jurisdiction

# Record is a verb

- ▶ Verb indicating receipt and filing of a document
- ▶ Imprinted with
  - Date and time recorded
  - A unique sequential number showing order in which recorded
  - A book and page (carryover from olden days)
  - Amount paid for recording
  - Name of recorder and jurisdiction

# Authorized by whose law?

- ▶ Your state law
- ▶ Each state has its own list and requirements
- ▶ Not all in one place (sorry, but it's true!)

# Whose public records?

- ▶ Documents belong to the public
- ▶ Not to the recorder or the government
- ▶ Recorder is custodian but not owner
- ▶ Content has always been available to read, research, copy and print

# Why searchable?

- ▶ Documents being added daily, weekly, and monthly
- ▶ Duty of recorder to create an index so the documents can be easily found
- ▶ Index typically includes
  - Party names
  - Date/time of recording
  - Type of document
- ▶ Mostly electronic indexes these days



# What's a jurisdiction?

- ▶ Geographic area for which recorder is responsible
- ▶ Mostly county-based
- ▶ AK and HI = whole state
- ▶ CT, RI, VT = town or city
- ▶ LA = parish

# What is recorded?

Basically, 3 kinds of documents

- ▶ Deeds
- ▶ Liens
- ▶ Releases

# A deed is...

- ▶ A legal document transferring property
- ▶ Examples: quit claim deeds and warranty deeds
- ▶ A deed is a deed is a deed
- ▶ Label them all that way

# A lien is...

- ▶ A legal document where one person puts claim on another's property to get paid a debt
- ▶ Examples: mortgages, deeds of trust, construction liens, tax liens
- ▶ A lien is a lien is a lien
- ▶ Label them all that way

# A release is...

- ▶ A legal document from lender or lien-holder stating interest in property is completed, resolved or satisfied
- ▶ Examples: partial release, release of deeds of trust, satisfactions
- ▶ A release is a release is a release
- ▶ Label them all that way

# Vocabulary Hints

- ▶ “or”
  - Grantor
  - Mortgagor (Borrower)
  - Lessor
- ▶ “ee”
  - Grantee
  - Mortgagee (Lender)
  - Lessee

# What if the document is wrong?

- ▶ Recorder evaluates form, format, money
- ▶ Not recorder's job to determine adequacy, accuracy or completeness
- ▶ If it's wrong, it will have to be corrected and recorded again (and paid for, again! 😊)

# Back to that “index”

- ▶ 100% electronic across the country
- ▶ Traditions carried over from “olden” days before you could easily view the document
- ▶ Get rid of the unnecessary categories/additions
- ▶ Stick to names, date/time of recording, type of document
- ▶ Why worry if “or” or “ee”?



# Notary Basics

- ▶ Notary public is a state-appointed ministerial official whose job is to act as an impartial witness
- ▶ Demands personal appearance to identify the signer and assess the signer's willingness and competency
- ▶ Witnesses the signer's actions and attaches a notarial certificate to the record attesting to the same
- ▶ Official stamp and signature are “prima facie” evidence that the notary performed his or her duties

# Methods of Notarization

- ▶ Face-to-Face (F2F) – The signer and the notary are in the same place, near enough to shake hands
- ▶ Remote Online (RON) – The signer and the notary interact in real time via audio-visual communication technology
- ▶ Remote Ink (RIN) – Requires the signer and the notary to exchange “wet” or ink-signed paper records

# Who do I trust – and why?

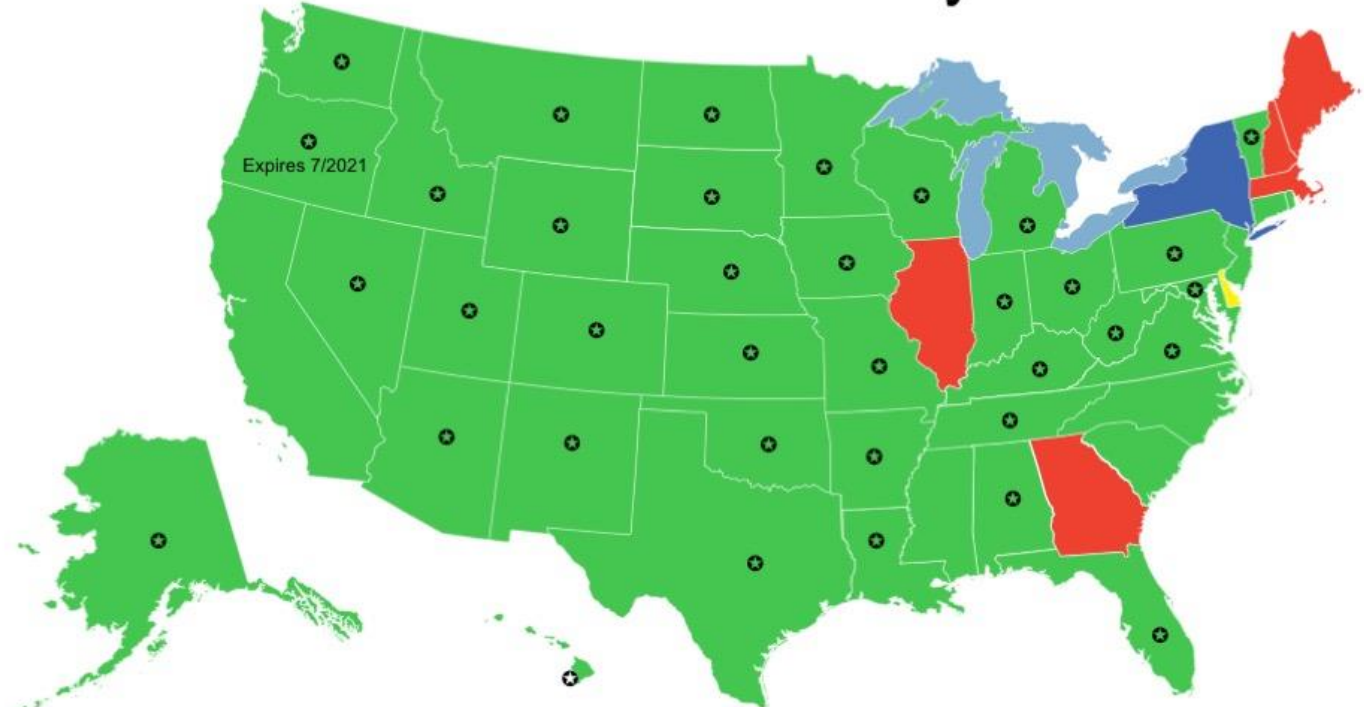
- ▶ The notary's function is the same in all states, with some variation in laws, regulations, and administrative rules
- ▶ A well-trained notary makes the recorder's job easier
- ▶ The state notary appointing authority has the authority to discipline or remove errant notaries

# PRIA's Resource Library

- Electronic Notarization – Traditional Assurances for Electronically Recorded Documents
- Electronic Notary: How Does It Impact Recording?
- eNotarization Frequently Asked Questions
- eRecording Best Practices for Recorders
- Interstate Notarization Statutory Language
- Notary Acknowledgment Expectations by State
- Notary Best Practices

# States Authorizing eNotarization





## eNotarization in the U.S. by Statute



  
**ALSO  
 REMOTE ONLINE  
 NOTARIZATION**

**EFFECTIVE DATES**

AK 1-1-21	KY 1-1-20	NE 7-1-20	TX 7-1-18
AL 7-1-21	KS 1-1-22	NM 1-1-22	UT 11-1-19
AR 4-29-21	LA 2-1-22	NV 7-1-18	VA 7-1-12
AZ 7-1-20	MD 10-1-21	OH 9-19-19	VT 7-1-19
CO 12-31-20	MI 3-30-19	OK 1-1-20	WA 10-1-20
FL 1-1-20	MN 1-1-19	OR 6-20-20	WI 5-1-20
HI 1-1-21	MO 8-28-20	PA 10-29-20	WV 6-17-21
IA 7-1-20	MS 7-1-21	SC 5-18-21	WY 7-1-21
ID 1-1-20	MT 10-1-15	SD 7-1-19	
IN 7-1-19	ND 8-1-19	TN 7-1-19	

-  TODAY
-  LEGAL BUT DORMANT
-  NOT TODAY
-  REAL PROPERTY ONLY

# First Year Overview

- ▶ Where to start?
- ▶ What comes first?
- ▶ Ask for help!

# Before You Take Office

- ▶ Bond
- ▶ Chief Deputy
- ▶ Contact software vendor

# Day 1

- ▶ Banker
- ▶ Outgoing recorder's cash
- ▶ Copies of keys and keypads
- ▶ Safe combinations
- ▶ Obtain ID card(s)
- ▶ Contact Payroll Department
- ▶ Talk to IT Department



# Week 1

- ▶ Get physical and digital stamps made
- ▶ Order stationery and update signage
- ▶ Contact IT with updates
- ▶ Process end-of-year and first report-of-collections
- ▶ Contact purchasing agents
- ▶ Learn office contracts
- ▶ Understand your budget
- ▶ Read your Recorder Manual(s)

# Month 1

- ▶ Keep breathing!
- ▶ Review written office policies
- ▶ Approve monetary policies and internal controls
- ▶ Establish clear and reasonable policies for customers
- ▶ Review staff position descriptions
- ▶ Learn about records retention schedules
- ▶ Contact state legislators for your jurisdiction
- ▶ Become familiar with educational requirements
- ▶ Get familiar with office funding and budgets

# Months 2 – 12

- ▶ NETWORK!
- ▶ Connect with customers
- ▶ Join PRIA
- ▶ Learn your county's history
- ▶ Learn your office's history
- ▶ Learn recording history
- ▶ Know about staff cross-training
- ▶ Get to know specifics of your recording process

# Recorder-speak

- ▶ Lots of words
- ▶ Check out the New Recorder's Glossary (first page on right)
- ▶ 130 terms you'll want to learn and master!

- ▶ Page 1 of 7
- ▶ **Glossary for New Recorders**
- ▶ A recorder's job is to record documents, authorized by law, in the public, searchable records of a jurisdiction. Recorders have typically listed the parties to the document, the date/time recorded, and the type of document in an index – in order to make searching for specific documents manageable.
- ▶ **Commonly Used Terms**
- ▶ **A**
- ▶ **Acknowledgment:** A formal declaration by a person that s/he/they, in fact, did sign the document. Often signed in the presence of a notary.
- ▶ **Acre:** A unit of land measurement that contains 43,560 square feet.
- ▶ **Adjustable Rate Mortgage (ARM):** A mortgage loan on which the interest rate rises and falls with changes in prevailing rates.
- ▶ **Affidavit:** A written statement confirmed by oath or affirmation, for use as evidence.
- ▶ **Agreement:** A negotiated and typically legally binding arrangement between parties as to a course of action.
- ▶ **Amendment:** A formal or official change made to a law, contract, constitution, or other legal document.
- ▶ **Annual Percentage Rate (APR):** A uniform measure of the cost of credit that includes interest,

# But where do I go for answers?

- ▶ Within your office
- ▶ Within your county
  - County Attorney
  - Budget Office
- ▶ Within your state
  - State Association of Recorders
  - Neighboring County Recorders
  - Comparable Size Recorders
- ▶ Nationwide
  - PRIA conferences, webinars, community forum

# How do I get started on PRIA Community Forum?

- ▶ Watch the video [PRIA Community Forum Overview Video](#)
- ▶ Watch the slide deck [Community Forum Presentation \(pria.us\)](#)
- ▶ Pose your question and get national responses/answers

# Thank You!

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