Important Industry Partners

Important industry partners that frequently interact with recorder offices include notaries public, title/escrow agents, land records management system providers and eRecording partners. Understanding the role of these entities is important to how the recorder's office operates.

Notary Public

What is a notary public?

A notary public is an official appointed by state government, usually by the secretary of state, to serve the public as an impartial witness to the signing of important documents, including property deeds. These official acts are called notarizations, or notarial acts. Notaries are commissioned as "ministerial" officials, meaning that they are expected to follow the law as would otherwise be the case with a "judicial" official.

What does a notary do?

A notary's duty is to screen the signers of important documents for their identity, their willingness to sign without duress or intimidation, and their awareness of the content of the document or transaction. Some notarizations also require the notary to put the signer under an oath, declaring under penalty of perjury that the information contained in a document is true and correct. Notaries indicate they have performed these tasks by affixing their signature and notarial stamp or seal to a document. Notarial requirements vary by state.

Impartiality is the foundation of the notary's official duties. A notary must not act in situations where they have a personal or financial interest. The public trusts that the notary's actions have not been corrupted by self-interest.

Why do documents need to be notarized?

Notarization is an anti-fraud screening measure that helps provide confidence that a document was actually signed by the person named in the document. This screening detects and deters document fraud, and helps protect the personal rights and property of private citizens from forgers, identity thieves and exploiters of the vulnerable. Along with many other real estate related documents, some examples of documents that require notarization include recorded documents such as deeds, mortgages, power of attorney, declarations of homestead.

Title/Escrow Agent

What is a title/escrow agent?

In the early days of American history, when you wanted to buy property, a conveyancer handled the transaction. Part of their job was to find out if the property title was "unencumbered." If a property is unencumbered, it means no one other than the seller has ownership rights to it, and there are no liens on it, meaning nobody else can take the property to pay a debt. However, there was no guarantee or insurance holding conveyancers accountable if they were wrong.

Today, title and escrow professionals search public records for debts, legal judgments and other homeownership issues to give homebuyers peace of mind. Some of the items reviewed include prior deeds, mortgages, divorce decrees, court judgments, delinquent taxes and child support payments. These individuals will also look for covenants, conditions and restrictions along with other types of easements and rely upon the data that is maintained by recorders to access these types of property records. Escrow agents often work closely with recorders to ensure documents are properly formatted and the correct fees are collected for documents to be recorded in the most timely manner.

What is title insurance?

Some title issues are not apparent from a review of the public record. Title insurance provides coverage for undisclosed title defects that might later result in a claim. Unknown events include forgery, documents signed by minors or someone incompetent, deeds executed under an expired power of attorney and errors on the public record.

What is a title plant?

A repository and/or database of official record images and grantor/grantee index data. A title plant allows title searches to be completed quickly and efficiently by title companies and/or underwriters, for ease of title clearance and title insurance issuance.

Land Records Management Systems (LRMS)

What is a Land Records Management System?

A Land Records Management System (LRMS) is a software product, or combination of products, that utilize technology to provide solutions to many regulatory and statutory requirements that recorders face across the United States. These systems are meant to streamline processes and offer operational efficiencies in the course of document recording, data entry, and imaging. An effective LRMS should be adaptable to the constantly evolving technology demands that exist and offer customization to the varying needs from one jurisdiction to another, depending upon variables such as size, volume, and available funding.

It is critically vital to understand the abilities, as well as the limitations, of the existing LRMS and to establish a good working relationship with a LRMS provider to ensure the needs of each jurisdiction are met with the most appropriate level of support, maintenance, and innovation in technological advances. PRIA's paper on LRMS Best Practices offers additional information pertaining to preparation and system planning, as well as considerations in infrastructure requirements, security needs and more.

eRecording

eRecording has been steadily growing throughout the United States since first being utilized in 1998. Recorders, end-user submitters, eRecording technology business partners (TBP), e.g., eRecording partners and portals, and Land Records Management System (LRMS) providers have tested multiple approaches and strategies over the years.

Recorders should work with multiple TBPs to increase the percentage of eRecording document submissions and ensure submitters have access to electronic recording services in a recording jurisdiction.

Recording jurisdictions accept paper recordings from multiple sources: in person, courier deliveries, Federal Express, UPS, or USPS. Providing access to multiple Technology Business Partners applies the same logic to electronically delivered documents.