



## **Getting Started Guide for Recorders**

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**PROPERTY RECORDS INDUSTRY ASSOCIATION**

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**For**

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## What is a Recorder's Job?

A recorder's job is to record documents, authorized by law, in the public, searchable records of a jurisdiction.<sup>1</sup> A simple sentence, but the specific words matter. For additional information, refer to the Glossary for New Recorders.

The importance of the words:

**Record documents:** a verb indicating receipt and filing of a document, most often by imprinting on the document:

- Date and time recorded (not received)
- A sequential number indicating the order in which documents are recorded, often referred to as instrument or document number
- Sometimes a book and page indicator (a carryover from the days when documents were copied into bound books)
- Amount paid for the recording of the particular document
- Name of the recorder and jurisdiction

**Authorized by law:** Each state has its own statutes, and within those statutes, lists all the documents entitled to be recorded. Be forewarned: the listing of documents and any particular requirements for each document type are never listed in just one convenient spot but rather are scattered throughout the state statutes.

**Public records:** Recorded documents in the United States have always been considered documents belonging to the public, not to the recorder; thus, the content of the documents has always been available to the public, to read, research, print, and copy.

**Searchable records:** With documents being recorded daily, weekly, and monthly, it is the duty and responsibility of the recorder to create and maintain an index so the documents could easily be found. In the index (how we search and find documents within our systems), recorders have typically listed the parties to the document (both the "to" and the "from" contained in the words of the document), the date/time recorded, and the type of document— in order to make searching for specific documents manageable. In the past, documents were bound in actual books, then changed to microfilm versions, and now to electronic versions, of the documents and the indexes. Recorders would add additional information, such as legal descriptions, to the index to enhance finding the wanted documents.

**Jurisdiction:** the geographic area for which a recorder is responsible. Throughout most of the United States, the jurisdiction is the county. However, in Alaska and Hawaii, the jurisdiction is statewide. In Connecticut, Rhode Island and Vermont, the jurisdiction is the town or city. Louisiana jurisdictions are called parishes.

## What is Recorded?

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<sup>1</sup> A recorder may have multiple functions within the office. This guide only addresses recording functions and information.

The three primary documents recorded are **deeds, liens, and releases.**<sup>2</sup>

A recorder is not responsible for determining whether these documents adequately, completely or partially transfer ownership or an interest in the property.

There are multiple kinds of each document type. It is not up to the recorder to determine the legality and adequacy of any document. There is no requirement for the recorder to specify the type of deed, lien, or release. The recorder's job is to record the document and make it public. Recorders are not the document police; however, they must record documents meeting state standards.

**Deeds** are the legal documents that transfer property. Two examples include quit claim deeds and warranty deeds. Although there are several variations on deeds, simply label them all "deed."

**Liens** are the legal documents by which one person has a claim on the property of another to ensure payment of a debt. Examples include mortgages, construction liens, judgement liens, and tax liens. Although there are several variations on liens, simply label them all "lien."

**Releases** are legal documents from a lender stating its interest in the property is completed. Examples include partial releases, releases of deeds of trust, and satisfactions. Although there are several variations on releases, simply label them all "release."

Find the particular requirements for each document type in your state statutes.

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<sup>2</sup> See the Glossary for New Recorders for simplified explanations of these terms.

**Vocabulary Hints**

A word ending in "or" means the person doing the action (e.g., conveys or mortgages property).

- Grantor - conveys property to another = Seller
- Mortgagor - accepts a mortgage = Borrower
- Lessor - leases property to another = Landlord

A word ending in "ee" means the person receiving the action (e.g., grantee receives the property).

- Grantee - receives the property from another = Buyer
- Mortgagee – provides the money for the mortgage = Lender
- Lessee – the person renting the property = Tenant

**Collecting and Disbursing Recording Fees**

Find the particular fees for each recorded document in your state statutes. You need to become familiar with the fees associated with recording a document and your obligation to disburse the funds correctly. Be aware that the money collected for the act of recording often does not accrue to or stay with the recorder. Portions of recording fees may be transferred to the state, or the governing body of the jurisdiction. However, for a majority of recorders, the recording fees, which stay with the office, fund your operations.

**21<sup>st</sup> Century Realities**

Recorders have been key government officials in the United States since Colonial Days. The vast majority of recorders are elected by the voters of their jurisdiction. The recorder establishes policies and procedures of the office, although they may report to a governing body for budget approval.

It is important to know the statutes and court cases, which govern the operations of your office. Your state association of recorders is an organization to which you can turn for information and clarity. However, your own reading of statutes and advice from a real property attorney are often important, as statutes are seldom clearly worded, and a court case affecting one jurisdiction may or may not impact your jurisdiction.

It is important to step back and ask why something is being done, as well as how it is being done. For example, today most recorders have an electronic index of the parties to the recorded documents on the recorder's website. The names are in one continuous alphabetic index. Having the recorded document index available on the internet means the digital index can be searched anytime. An additional corollary, learned during the 2020 pandemic, is that besides having the index available online, it became critical to have the electronic image of the documents, connected to the index entry, available online.

Historically, recording a document was a ponderous and time-consuming process. It required mailing or delivering the document to the recorder's office, ensuring the document meets state recording requirements, collecting fees for the recording, indexing and verifying the entries, scanning and archiving the document, and returning the original document to the submitter. The process took anywhere from five to 45 days.

In the 21<sup>st</sup> century, with its fast-paced technological advances and authorizing statutory changes, came the development and acceptance of electronic recording (eRecording). Now it takes two-10 hours to record the majority of documents.

## Before You Take Office

There are things to take care of before being sworn into office as the new recorder in your jurisdiction:

- ✓ **Make sure your bond is in place.** Any official who handles money and/or jurisdiction property, which includes those records that you will be responsible for recording and maintaining, must be bonded. Your jurisdiction's government typically pays for this bond; therefore, you should not be responsible for your bond. Contact your jurisdiction's legal department or governing board members to obtain your bond. You, the recorder, are typically responsible for recording and preserving the bonds for all jurisdiction officials, including your own. The legal department should be able to advise you of the procedures for your office.
- ✓ **Select your Chief Deputy.** It is likely you have already done this. Your "first mate" should be a person you trust, who is capable of learning and performing the job of recorder if and when necessary. Give your Chief Deputy copies of this Guide and any Recorders' Manuals you have received.
- ✓ **Contact your software vendor(s).** Have them change the name on the Land Records Management System (LRMS) and any other digital recording stamp, effective the first day of your term. It is essential to establish contact with your vendor before taking office, so you are both ready to work together on Day 1.

## Day 1: Here We Go!

- ✓ **Get in touch with your banker.** Have your name added to your account(s) and remove the outgoing recorder. You will need written verification you are the newly elected official. Ask your auditor, commissioners' office, or legal department to provide this.
- ✓ **Return the outgoing recorder's cash, including any cash drawers.** Be sure the money is returned to the auditor or treasurer. You will want to make sure the finances of the office are audited and balanced. You may need to obtain a check to take to the bank to get cash for your operations.
- ✓ **Obtain copies of all the keys or keypad codes to your office.** Retrieve the keys or keypad codes from the previous official.
- ✓ **If you have a safe, make sure you know the combination(s).**
- ✓ **Obtain your jurisdiction ID cards.** The human resources or information technology department will provide IDs for you and your chief deputy.
- ✓ **Contact the payroll department.** Understand the process for filing payroll documents and make sure you know when the next pay period ends.
- ✓ **Talk to your IT department.** Have them explain the data backup solutions your office has in place. If there are no backups, correct that inadequacy immediately!

## Week 1: Settling In

- ✓ **Get physical and digital stamps made.** You will want your name on: a signature stamp, certified document stamp (if you use a personalized one), and a check signature stamp.
- ✓ **Order a nameplate and stationery.** You will need letterhead (or create an electronic template), pre-printed envelopes, and business cards (for yourself and your Chief Deputy), and new interior and exterior signage.
- ✓ **Contact your IT department with updates.** Change the information on the office website, including your contact information, photo, a bio and any staff changes that may have occurred during the transition.
- ✓ **Process the office's end-of-year reports.** Provide these to your jurisdiction auditor or treasurer.
- ✓ **Process your first report-of-collections.** Ensure it balances with the jurisdiction auditor or treasurer. Wait until your first bank statement is received and reconciled.
- ✓ **Get in touch with purchasing agents.** Become familiar with who is involved in the purchasing process in your jurisdiction. Examples may include commissioners, the finance department, and the IT department. You are also a purchasing agent and in charge of appropriate use of your funds.
- ✓ **Learn about contracts for your office.** Your office may have contracts with various vendors. Make sure any contracts scheduled for renewal have been approved and signed.
- ✓ **Understand your recorder budget.** Understand how your budget works and when your financial fiscal year begins. Contact the budget liaison to discuss future expectations.
- ✓ **Read your Recorder Manuals.** Contact your state recorder association or mentor with any questions.

## Month 1: Getting Comfortable

- ✓ **Review the written policies in place in your office.** Are you comfortable with them? Assign updates or modifications to your chief deputy or the HR manager.
- ✓ **Approve clear monetary policies and internal controls for your office.**
- ✓ **Establish clear and reasonable policies for your customers.**
- ✓ **Make sure you have a written job description for every position in your office.**
- ✓ **Become familiar with records retention schedules.** There is additional training available for all matters pertaining to your records management responsibilities, including training sessions offered by a state department or a local chapter of ARMA International.
- ✓ **Contact state legislators for your jurisdictions.** Help them understand the responsibilities and needs of your office.
- ✓ **Become familiar with any required education credits.**
  - Training courses are available from your state association of recorders, the state association of counties, and other agencies.
  - During your first year, many states require you to complete 15-20 credit hours of training. Find out who offers training, which classes count towards your needed credits, and how to obtain training certifications.
  - You may also need to complete additional hours of training in subsequent years. Again,

find out what training is offered, who offers the training, which classes count towards your needed credits, and how to get training certifications.

- Familiarize yourself with all of your office funding and budgets.
- General Fund – salaries for you and your staff, often operating funds for travel, training and office supplies.
- Recorder’s Special Fund(s) – often referred to as a records modernization, technology or preservation fund with limited and specified options for spending.
- Elected Officials Training Funds – such funds often exist for conferences and training seminars approved by a state agency.
- Vendor Contract Funds - which funds are used to pay for vendor contracts, what the contracts cover and their usefulness, when those contracts are up for renewal, and how long the contracts have existed.

## Months 2 – 12: Expanding Your Knowledge

- ✓ **Network!** Get to know the other recorders in your area, especially those jurisdictions surrounding you. Create a core group of 20-25 other recorders upon whom you can call for advice and counsel. You will want a cadre of recorders from larger, same size, and smaller jurisdictions, as well as seasoned recorders and other new recorders. Not all your network needs to be from your state.
- ✓ **Join the Property Records Industry Association ([www.pria.us](http://www.pria.us)).** It is a national organization involving recorders, lenders, title searchers, software vendors, and other business partners.
- ✓ **Become familiar with your county’s history.** When were your county’s boundaries defined? What important dates are significant in your county and why? Know your jurisdiction population and size. Get to know other elected and appointed officials in your jurisdiction.
- ✓ **Become familiar with your office’s history.** What additional duties, beyond recording land records, have been added to your office and why?
- ✓ **Become familiar with the history of recording documents.** Know this information for your jurisdiction and for those around the country. Do you still have the “old books?” What is the status of your microfilm? How are your records preserved?
- ✓ **Know what cross training your staff has received.** Be sure they are consistently processing documents and answering questions.
- ✓ **Sit down with your staff and get to know the specifics of your recording process.** Become familiar with your software and Land Records Management System (LRMS). What challenges have the staff encountered? Who resolves those issues?

With thanks to the Indiana Recorders’ Association and the Washington Auditor/Clerk/Recorder Association for their primary information, which was edited for a national recorder perspective.