

Indiana Recorder's Association



District Meeting Presentation



Legislative Team

- **IRA Legislative Co-Chairs and Committee Members**
 - ~ Brook Cleaver – Howard County Recorder and Co-Chair
 - ~ Lori Draper – Wabash County Recorder and Co-Chair
 - ~ Jill Jackson, Johnson County Recorder and Association VP
 - ~ Mary Rhoades, Posey County Recorder
 - ~ Linda Smith, Madison County Recorder
 - ~ Shannon Withers, Tippecanoe County Recorder
- **Our Krieg Devault Team – Law Firm and Lobbyist**
 - ~ Amy Levander
 - ~ Matt Norris
 - ~ Brandon Shirley



SB 505 – County Recorder Fees, Bulk User, & E-recording

Senate Bill 505 was recently passed by both the Indiana Senate and the House of Representatives, signed into law by Governor Eric Holcomb on April 21, 2017, and will take effect on July 1, 2017.

This legislation modernizes the document recording process and fee structures making it easier for Hoosiers to record public documents, while also reflecting the increased costs incurred to satisfy this important public service.

It is our hope to make this transition for our submitters and other interested parties as smooth as possible with the goal of consistency among our 92 counties.

SB 505 – County Recorder Fees

- Recording Fees – I.C. 36-2-7-10 mandates flat recording fees effective July 1, 2017. The pertinent fee splits can be found in section (d) for all counties, except Marion. Marion County fee splits are located in I.C. 36-2-7-10.5(a).
- Mortgage documents are charged at \$55 each and include:
 - Mortgages
 - Subordinate Mortgages
 - Corrective Mortgages
 - Re-recorded Mortgages
 - Indentures
 - Supplemental Indentures
- Deeds and all other documents (excluding multi-transactional documents) will be charged at \$25 each, which includes one (1) oversize page.
- Additional pages exceeding 8 ½” x 14” within any document shall be charged at \$5 each.

SB 505 County Recorder Fees - Cont:

- Non-conforming fees no longer exist as of 7/1/17. While documents must meet the essential recording recordings, they must be legible.
 - ** If needed, add an extra page to the front of the document to allow for placement of the recording stamp or add a label to the document.
- Please note the term “multiple transaction document” is now defined in our code as a document containing two (2) or more transactions of the same type.
- For counties accepting multi-transaction documents, those documents will be charged as follows:
 - A) The first page and one cross reference will be charged at \$25
 - B) Each additional cross reference **after the first** will be charged at \$7 per cross reference as exists in current code.
- **NOTE:** A release of mortgage which releases one mortgage transaction that may include additional informational type cross references (i.e. re-recorded mortgage or prior assignment references, etc.) is **NOT** to be charged for those informational type references.

Recording Fee Splits - Mortgages

- Fee allocations for mortgage documents in counties **NOT** containing a consolidated city:

County General	\$34
Surveyor Corner Fund	\$5
Recorder Perpetuation	\$11.50
Auditor of State	\$2.50
County ID Security Fund	\$1
Elected Official Training Fund	\$1

Recording Fee Splits - Mortgages

- Fee allocations for mortgage documents in counties **containing a consolidated city:**

County General	\$35
Surveyor Corner Fund	\$5
Recorder Perpetuation	\$11.50
Auditor of State	\$2.50
County ID Security Fund	\$0.50
Elected Official Training Fund	\$0.50

- Note: **Marion County** will charge an extra \$10 per document on all document types which flows into a housing trust fund. This existed prior to flat fees and efforts were made to ensure this would not change for Marion County as this fund assists the homeless in their community. I.C. 36-2-7-10.7(a)

Recording Fee Splits:

- Deeds and all other documents

- Fee allocations for Deeds and all other documents in counties **NOT** containing a consolidated city:

County General	\$8
Surveyor Corner Fund	\$5
Recorder Perpetuation	\$10
County ID Security Fund	\$1
Elected Official Training Fund	\$1

Note: Any oversize page fees collected flows to county general.

Recording Fee Splits

– Deeds and all other documents

- Fee allocations for Deeds and all other documents **in counties containing a consolidated city:**

County General	\$9
Surveyor Corner Fund	\$5
Recorder Perpetuation	\$10
County ID Security Fund	\$0.50
Elected Official Training Fund	\$0.50

Note: Any oversize page fees collected flows to county general.

Marion County will charge an extra \$10 per document on all doc types and the funds flow into their housing trust fund.

UCC Fees

Uniform Commercial Code:

UCC, 2 pages or less	\$6.00
3 pages or more	\$10.00

UCC Continuation, amendment or assignment, 2 pages or less	\$6.00
3 pages or more	\$10.00

UCC-11 Information Request, per debtor name	\$7.00
Each additional name	\$5.00

UCC – Fee Splits

The UCC fees are allocated to the following funds:

- \$6.00 Fee
 - a) County General - \$4
 - b) ID Fund - \$1
 - c) Training Fund - \$1
- \$10 Fee
 - a) County General - \$8
 - b) ID Fund - \$1
 - c) Training Fund - \$1
- \$7 Information Request Fee
 - a) County General - \$5
 - b) ID Fund - \$1
 - c) Training Fund - \$1
- \$5 for additional name searches flows to County General

Overage

- Recorders may accept overage. Below is the applicable Indiana Code which is in effect now and it will remain in effect after 7/1/17.

IC 36-2-11-6

Demand of fees; overpayment of fees; refund

Sec. 6. (a) The recorder may demand the recorder's fees before entering and recording an instrument.

- (b) If: (1) a person, in payment of a recording fee required under IC 36-2-7-10, submits an amount that exceeds the amount of the fee set forth in IC 36-2-7-10; and (2) the instrument submitted meets the statutory requirements for filing; the recorder shall accept and record the instrument. If the amount submitted is at least three dollars (\$3) more than the fee required by IC 36-2-7-10, the amount that exceeds three dollars (\$3) shall be refunded upon the request of the person filing the document. The recorder may retain as an administrative fee up to three dollars (\$3) of the excess of the amount submitted.

** As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.171-2002, SEC.1.*

SB 505 - Copy Fees

- Copy charges have **slightly** changed:
 - A) Letter size to 11" x 17" will be charged at \$1.00 per page
 - B) Copies larger than 11" x 17" will be charged at \$5 per page
- Alert the public and interested parties of these fee changes and update your websites.
- Contact your vendor, e-recording submitters, searchers and title companies you routinely have dealings with, relevant city departments that can get releases on special assessments prepared and recorded between the time the county makes a distribution of those funds and June 30th.
- Also, municipalities will likely change their future lien forms to collect the proper amount of recording fees on the front end.



SB 505 E-recording

- Section 15 of I.C. 32-21-2 states beginning January 1, 2018, a document concerning real property that may be recorded with a county recorder under this title may be recorded electronically as provided under IC 32-21-2.5.
- IC 32-21-2.5 is the Uniform Real Property Electronic Recording Act. Please read through that at your convenience. E-recording is a “may” not a shall so it establishes provisions and standards for those counties e-recording already.
- In addition, a 5 member commission is to be established. Those appointments will be made by the Governor and consist of 3 members being county recorders, 1 member being employed in Indiana in the banking or mortgage lending industry, and 1 member being employed in Indiana from the land title industry.



SB 505 – Transfers from ID Fund to RPF

- SB 505 also addressed that county security protection identification funds received under I.C. 36-2-7.5-11 **can be transferred into the RPF** should the recorder wish to do so. Reference I.C. 36-2-7-10(f)
- Proper fund transfer documents would need to be prepared and submitted to the Auditor's office and presented to Council for approval. No ordinance required.

SB 505 - Bulk User Code

- I.C. 36-2-7-10.1 addresses multiple changes to the bulk user code which will become effective July 1, 2017.
- Bulk user copy fees:
 - A) Minimum Price - \$0.10 per page for copy of a recorded document and \$0.10 per recorded document for index
 - B) Maximum Price - \$0.20 per page for copy of a recorded document and \$0.20 per recorded document for index
- County executive **shall** establish by ordinance the manner and form in which the county recorder may provide bulk form copies to bulk form users.

SB 505 - Bulk User Code (cont.)

- If the county executive makes a finding and determination that cost incurred by the county recorder of producing bulk form copies, including applying a watermark or protective feature, exceeds the amount of the fee under subsection (d), the county executive may adopt an ordinance that establishes a greater fee in an amount not to exceed the \$0.20 per page for a copy of a recorded document or \$0.20 per document index.
- If, **after performing a cost analysis in your county**, you determine the fee per image exceeds .10, you can request the county executive to establish the ordinance setting the price, but not to exceed \$0.20

SB 505 - Bulk User Code (cont.)

- Specifies that county recorder may use a third party designee to produce bulk form copies
- Specifies the bulk user must enter into a contract with a county recorder **AND** if the county recorder utilizes a third party designee to produce those bulk images, the bulk user must also sign a contract with the recorder's designee.

SB 505 - Bulk User Code (cont.)

- Under section (j), if a bulk user has failed to comply with a specific contract with a specific county recorder, the recorder may refuse subsequent requests from a bulk user for bulk form copies under certain circumstances:
 - 1) the bulk user has previously been terminated by the recorder for failure to comply with a contract;
 - 2) the bulk user is a corporation or LLC in which the person has a majority or controlling interest and
 - a) the person requested bulk form copies under a previous contract and
 - b) the contract was terminated by the county recorder for failure to comply with the contract.

SB 505 - Bulk User Code (cont.)

* We have two categories of bulk users now under the code

- A bulk user that qualifies under section I.C. 36-2-7-10.1(h) is a “bulk user,” who is either a title “company” or “title plant” providing bulk form copies “related to a **specific order for a title search**” and the fee the bulk user charges it’s customer “may not exceed the costs incurred by the bulk user for obtaining the bulk form copies.” This type of bulk user must be licensed under I.C. 27-1-15.6-6(d) or hold a certificate of authority under I.C. 27-7-3-6. As part of the contracting processing, the recorder will want to obtain a copy of these credentials from the bulk user in order for the bulk user to qualify under section (h).
- Bulk users that qualify under section (h) may not resell, provide, transfer or allow the transfer of any copy of a recorded document, whether in bulk form as individual copies or images to any other bulk user or title plant.



SB 505 - Bulk User Code (cont.)

- Our second category of bulk users will be referred to as Other Bulk Users and are those bulk users not qualifying under section (h). This group of bulk users is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, providing, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

THANK YOU!!!!!!

