



## 2018 AIC Legislative Conference

Wednesday, January 31, 2018

Hyatt Regency Indianapolis – **Regency F**

Recorder's Affiliate Break-Out Session

## AGENDA

---

1:45 pm Welcome

Stuart Dowden, IRA President

Proposed Legislation

Matt Norris – Krieg DeVault

Brandon Shirley – Krieg DeVault

Brook Cleaver – Legislation Committee - Chair; Howard Co.

Lori Draper – Legislation Committee Co - Chair; Wabash Co.

- **Electronic Recording Committee:** Appointed by Gov. Holcomb  
Governor Holcomb appointed the following Recorders to this committee  
Anita Mather, Allen County  
Jamie Chapman, Daviess County  
Zachary Payne, Clark County
- **SB197** – Various Property Issues: requires the name of Surveyor or Attorney be present on legal descriptions that have changed from the previous document. May also require a cross reference.
- **SB261** – Annexation Remonstrance Waivers: Voids an annexation remonstrance waiver (waiver) executed on or before July 1, 2003. Voids a waiver executed after June 30, 2003, and before July 1, 2018, unless the waiver was recorded in the county where the property is located within 180 business days after the date the waiver was executed. Voids a waiver executed after June 30, 2018, unless the waiver was recorded in the county where the property is located within 30 business days after the date the waiver was executed. Provides that a waiver executed after June 30, 2003, that was properly recorded expires 15 years after the date the waiver was executed. Provides that waivers voided under the bill do not invalidate annexations that were effective before July 1, 2018
- **SB372** – Notarial Acts, including E-Notary: Makes technical changes to standardize language concerning registration of trademarks and regulation related to notarial acts. Specifies requirements related to notarial acts, including use of electronic documentation and technology for electronic notarial acts. Requires the secretary of state to adopt rules related to electronic notarial acts and remote notarial acts. Specifies requirements for remote notarial acts, including: (1) registration of a remote notary public; (2) certification of and record keeping related to remote notarial acts; (3) use of audio visual communication and recording; (4) verification of credentials; and (5) maintenance of records. Makes conforming amendments.
- **SB422** – Land Banks: Provides that in a county that has established a county land bank, part of the revenue received from fees charged for filing a sales disclosure form and any associated penalties shall be deposited in the county land bank fund. Reinstates the mortgage foreclosure counseling and education fee (expired July 1, 2017) to be collected as a civil cost in all

mortgage foreclosure actions.

- SB423 – Amends the statute concerning mechanic's liens to provide that a statement and notice of intention to hold a lien filed after June 30, 2018, must include verifiable documentation of the performance of labor, or the furnishing of materials or machinery, on which the statement and notice of intention to hold a lien is based. Sets forth: (1) the information that the documentation must include; and (2) the forms that the documentation may take. Provides that a person who knowingly or intentionally: (1) files, or threatens to file, one or more notices of an intention to hold a mechanic's liens. Amends the statute concerning mechanic's liens to provide that a statement and notice of intention to hold a lien filed after June 30, 2018, must include verifiable documentation of the performance of labor, or the furnishing of materials or machinery, on which the statement and notice of intention to hold a lien is based. Sets forth: (1) the information that the documentation must include; and (2) the forms that the documentation may take. Provides that a person who knowingly or intentionally: (1) files, or threatens to file, one or more notices of an intention to hold a mechanic's lien with respect to the same: (A) property; or (B) property owner; primarily for purposes of harassment or intimidation; or (2) submits false, misleading, or forged documentation in connection with the filing of an intention to hold a mechanic's lien; commits a deceptive act that is subject to the remedies and penalties set forth in the deceptive consumer sales act.
- HB 1120 – State Dept. of Health matters: This code is to protect the public from sights contaminated by methamphetamine laboratories. It allows government health departments to issue an order vacating the dwelling and the order must be recorded in our offices.
- HB1021 – Mechanics Liens: Permits a person to discharge a mechanic's lien by filing an indemnification or payment bond with the recorder's office in an amount equal to at least 150% of the lien. Requires the surety responsible for issuing an indemnification or payment bond to: (1) be authorized to do business in Indiana; and (2) be rated at least "A-" by at least one (1) nationally recognized investment rating service. Specifies certain requirements concerning the recording of an indemnification or payment bond. Repeals the current statute concerning the filing of an undertaking to discharge a lien.
- HB1225 – Wind Power Devices: Establishes criteria that a developer must meet to record a lease, an easement, or another agreement for a wind power device. Requires the county recorder to: (1) publish and mail to each owner whose real property is located within two miles of the real property that is the proposed location of a proposed wind power device, notice that includes: (A) a copy of the county's wind energy conversion system ordinance, if applicable; (B) a copy of the developer's registration statement, if any; and (C) the name and contact information of a county official to contact with questions about the proposed wind farm development; and (2) send an invoice to the developer of the county recorder's costs to comply with the notification requirements. Provides that a developer shall reimburse the county recorder for the county recorder's costs to comply with the notification requirements.
- HB1309 – Elected Officials Training: Training for local elected officials. Requires certain newly elected county officials to complete five hours of newly elected official training courses within eight weeks of the individual's first election to office. Provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body.

Other Comments or Discussion

Questions and Answers