

# Indiana Recorder's Association



## Electronic Recording: Getting Started

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# eRecording Representatives

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# We know why we record documents

What is a Public Record?:

**Public record** is a document created or stored by a government entity in the course of its business.



Documents are recorded:

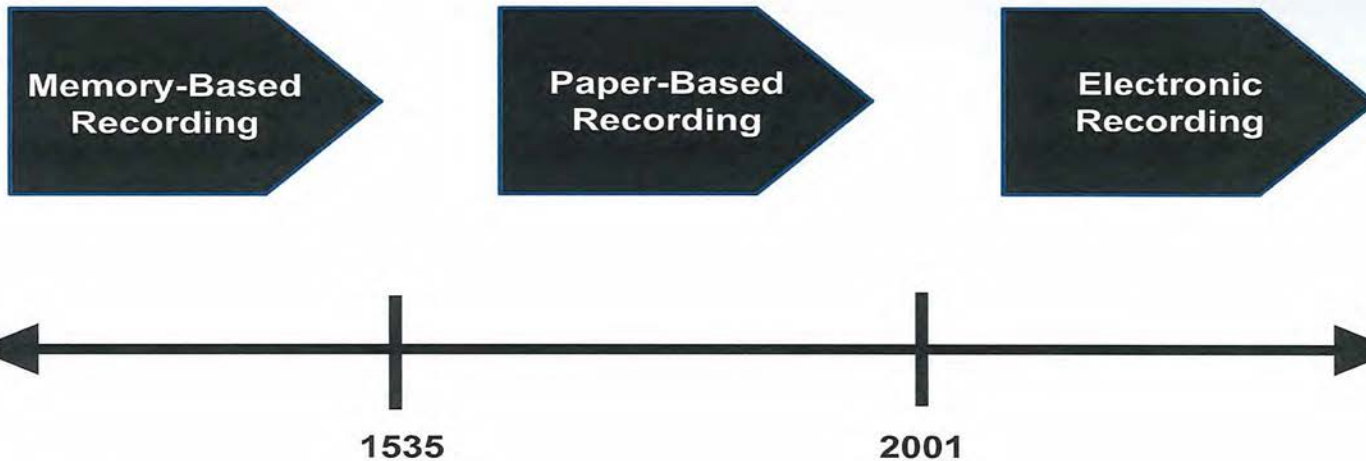
- So the transaction will be listed in the “public record”.
- To establish the order of precedence for documents.

# Electronic Recording 101

- E-Recording is a method of delivering and returning documents electronically to/from the Submitter and the County Recorder (ie – FedEx, UPS, USPS, Walk-ins)
- The actual '**Recording**' is still done by the County/Jurisdiction using their Land Records Management System
- It's still recording, only the medium & delivery mechanism has changed
- It is very *fast, efficient, reliable* and *secure*.

# IS THIS STUFF LEGAL?

## Evolution of Land Recording Systems



# **YES, ITS LEGAL!**

## **Legislation:**

- **UETA – Uniform Electronic Transactions Act**
- **E-SIGN**
- **URPERA – Uniform Real Property Electronic Recording Act**

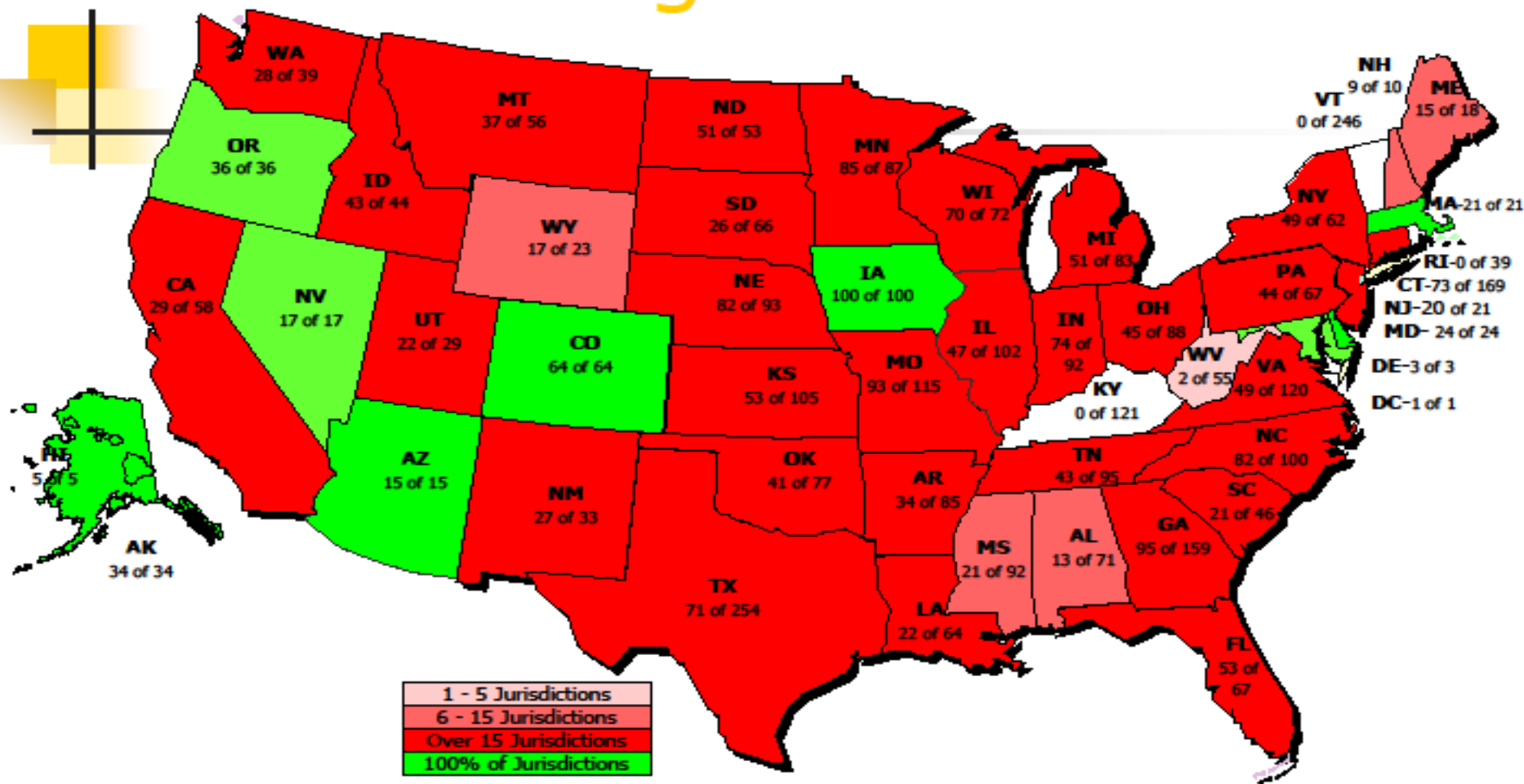
# E-Recording



**Electronic Recording or E-Recording** is one of the fastest growing technologies to be implemented by County Recorders:

- First adopted in 1999. Lancaster County, PA.
- Added steadily over the last 20 years.
- Today almost 2000 jurisdictions in 47 states.
- Over 1/2 of all U.S. jurisdictions.
- Almost 85% of the U.S. population.

# eRecording Jurisdictions



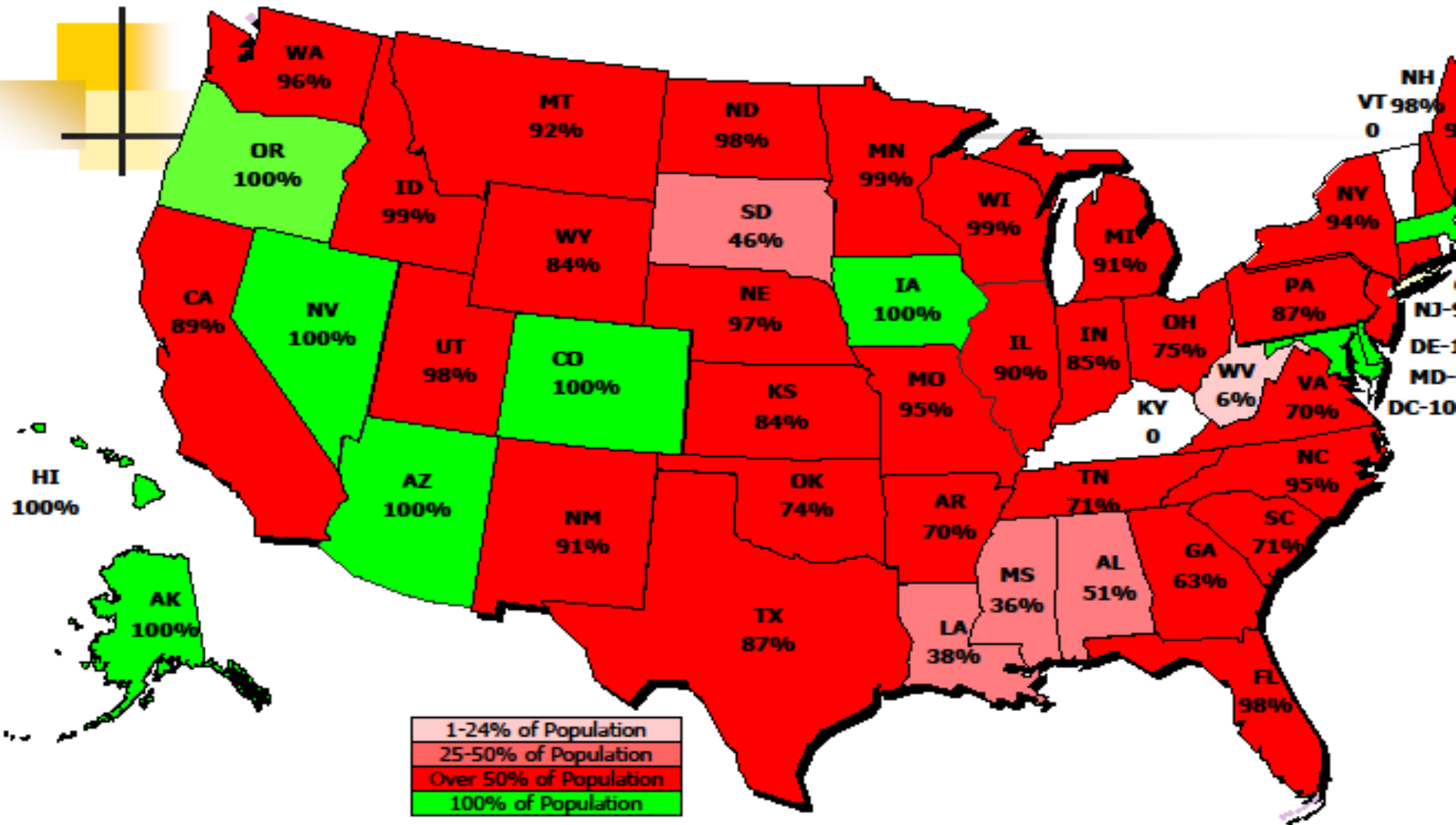
Updated March 2019



Property Records Industry Association • [www.pria.us](http://www.pria.us)

1954 Jurisdictions are accepting eRecordings

# eRecording Population Coverage



85% of the U.S. population lives in eRecording jurisdictions

Updated March 2019



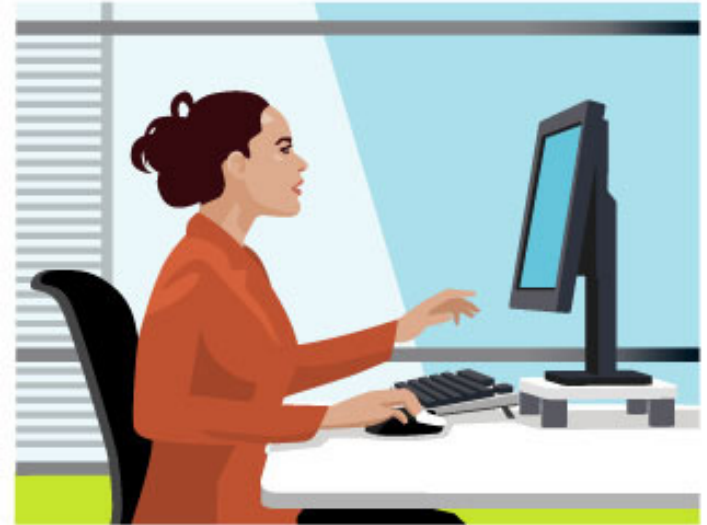
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# Indiana E-Recording Nuts & Bolts



# County Benefits

- Faster processing & turnaround time
- Fewer steps (e.g. 14 down to 7)
- No need to scan documents
- Documents remain pristine
- Less mail. **Fewer paper cuts!**
- Incorrect fee rejections eliminated
- Quicker Rejection resolution
- Document control/tracking
- Lowers document loss
- Reduced cost of postage
- Better customer service!



# Submitter Benefits

- Cost savings
- Time savings
- Secure Transport
- Improved Document Tracking
- Streamlined Payment
- Lower Rejection Rate
- Efficient Rejection Management
- Improved Service
- Eco-Friendly
- ALTA Best Practices(Pillar #4)



# Submitter - Before & After

Action Step	Paper	Electronic
Prepare Documents	5-10 minutes	5-10 minutes
Execute & Calculate Fees	5 minutes	5 minutes
Delivery	½ day to 5 days	30 seconds
Recorder Processing	½ day to 21 days	60 seconds
Return Delivery	½ day to 5 days	30 seconds
Update Title Files	½ day to 21 days	15 seconds
Total Time	<b>2 – 52 DAYS</b>	<b>12.25 – 17.5 MINUTES</b>

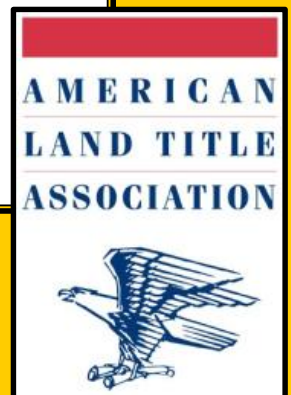
# ALTA Best Practice #4

4. **Best Practice:** Adopt standard real estate settlement procedures and policies that help ensure compliance with Federal and State Consumer Financial Laws as applicable to the Settlement process.

**Purpose:** Adopting appropriate policies and conducting ongoing employee training helps ensure the Company can meet state, federal, and contractual obligations governing the Settlement.

**Procedures to meet this best practice:**

- Recording procedures.
  - Review legal and contractual requirements to determine Company obligations to record documents and incorporate such requirements in its written procedures.
    - Submit or ship documents for recording to the county recorder (or equivalent) or the person or entity responsible for recording within two (2) business days of the later of (i) the date of Settlement, or (ii) receipt by the Company if the Settlement is not performed by the Company.
    - Track shipments of documents for recording.
    - Ensure timely responses to recording rejections.
    - Addressing rejected recordings to prevent unnecessary delay.
    - Verify that recordation actually occurred and maintain a record of the recording information for the document(s).



# PRIA E-Recording Best Practices

1. **Best Practice: Memorandum of Understanding.** The Recorder should execute Memorandums of Understanding (MOUs), contracts, or agreements with each E-Recording vendor that serves the recording jurisdiction, not with each end-user submitter.
2. **Best Practice: Recording Fees.** The Recorder should accept fees electronically for service in the E-Recording environment with Automated Clearinghouse (ACH) payments.
3. **Best Practice: Document Types.** The Recorder should accept all real estate-related document types for E-Recording.
4. **Best Practice: Process.** The E-Recording process should be as simple as paper recording with the fee no greater than paper recording. **Best Practice: Index.** The Recorder is responsible for recording the document and creating the index.
5. **Best Practice: Images.** Images should be submitted in a standardized format taking into consideration preservation needs. Scanned documents should be clean, without artifacts/lines, and must accurately represent the original documents.
6. **Best Practice: Vendors.** The Recorder should work with multiple E-Recording vendors.
7. **Best Practice: Voiding Documents.** The Recorder should not void or remove documents after recording, unless directed to do so by a court order.
8. **Best Practice: Submission Limitations.** The Recorder may choose to limit the number of documents submitted in a single package or batch to no more than 10 documents totaling no more than 200 pages.
9. **Best Practice: Duplicate Recordings.** Procedures and systems should be in place to prevent duplicate recording of a document.
10. **Best Practice: Electronic Signatures and Notarizations.** Recording jurisdictions should accept electronically signed and notarized documents.



PARTNERSHIP • KNOWLEDGE • RESULTS

# County Process:

## 1. County is notified that an eRecording Document Exists

- a) By notification on desktop
- b) Appears in Current Workflow Queue

## 2. Document is processed by Clerk

- a) Recordability

## 3. If Document is accepted

- a) Document electronically Stamped
- b) Document is returned electronically to Vendor
- c) Clerk Indexes
- d) Quality Control

## 4. If Document is rejected

- a) Rejected reason entered
- b) Document is electronically sent back to submitter
- c) Submitter fixes document
- d) Document is resubmitted





# eRecording Vendor Role

- **Contract Signed with Submitters**
  - Vetting process
- **Transmits Documents to County**
  - Builds Interface for submission
- **Contract Signed with Counties**
  - Memorandum of Understanding (MOU)
  - Guarantee Payment!
  - One payment- not multiple checks
  - Nightly reconciliation
- **eRecording Module for Counties with in-house systems.**
- **NO COST TO THE COUNTY!**

# Matched to Your Workflow

- Configured to match **YOUR** office workflow & **YOUR** process.
- Documents come in already scanned.
- Set up by Document Type
- Review. Stamp. Fees.
- Docs are accepted or rejected.

# What About Rejections?

- Submitters have the ability to submit documents for a transaction in groups or packages
- If one document in a package is rejected, the whole package is rejected
- Rejected documents are returned to submitter
- There is no delivery charge for a rejected document!
- Documents can be corrected and resubmitted within minutes



# How is the Money Handled?

- E-Recording Vendors pay the counties each day.
- E-Recording Vendors get reimbursed each night by submitters for recording fees
- E-Recording Vendors send nightly reports to counties and to submitters
- Submitter fee for eRecording can be paid daily or monthly to E-Recording Vendors

# For Follow-up Questions

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# **eRecording Demonstration...**