

GETTING STARTED GUIDE FOR INDIANA RECORDERS

Indiana Recorders Association
EDUCATION COMMITTEE - February 2020

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Getting Started Guide For Indiana Recorders

Indiana Recorders Association, Education Committee, 2020

Congratulations on your recent election as a County Recorder! The Indiana Recorders' Association and members of the Education Committee welcome you to service in the oldest constitutionally established County office in Indiana! We are pleased to offer this Getting Started Guide, to accompany your newly-elected officer training program and the Indiana Recorders' Manual. Know that we are here for you. Please never hesitate to reach out to the Association leadership, your District Vice-Presidents, or any member of the Education Committee. As always, there are "no stupid questions." We want to be sure you get off to a great start with as solid a foundation as possible in understanding the responsibilities of your new and vitally important position.

The Indiana Recorders' Manual, approved by the Indiana Recorders Association, is a very good "desk reference" for getting vital information you will need to do a great job as County Recorder. However, this Guide is intended primarily for new Recorders who need to know just what to do now that you have been elected and are about to take office, or even if you have already moved into your new position. It will help you to navigate through your first days, weeks, and months of service, and provide you with the information you will need even before assuming your new responsibilities.

The Guide is arranged first as a set of checklists, covering things you will need or want to do: before taking office, on your very first day, during your first week or so, and over the first months of your tenure. Following these checklists are some explanations and discussions of the most important things you will need to know and understand. Finally, it includes some examples of office policies, procedures, and internal controls. All new Recorders are encouraged to share this Guide with your Chief Deputies (sometimes called First Deputies), as they are expected and authorized to serve as acting Recorder in your absence.

Please remember that this is only a guide, and should not serve as an authoritative document for any purpose of the Recorder's office. Always refer to Indiana Code and your county attorney for authoritative answers to any questions, and avoid providing customers with any sort of legal advice.

Additionally, as a Recorder you are essentially a librarian, not a researcher. We are not bonded, and in most cases not professionally qualified, to perform extensive document searches or title abstracting work. Always refer customers who make such requests to "a title company." However, it is also a best practice to avoid referring customers to any specific company.

Before You Take Office

There are just a few things you will need to take care of before you are even sworn in as the new Recorder in your County:

- ✓ **Make sure your bond is in place.** Any County official who handles money and/or County property (which includes those records that you will be responsible for recording and maintaining) must be bonded. This is typically paid for by your County government, so you should not be responsible for paying for your bond insurance. Get in touch with your County's Legal department or Commissioners, who should be able to help you obtain your bond. (Note that although the Recorder is responsible for recording and preserving the bonds for all other County officials, your own bond is to be filed with your County Clerk.)
- ✓ **Select your Chief Deputy** (also called First Deputy). It is likely that you have already done this. Your "first mate" should be a person you trust, and who is capable of learning and performing the job of Recorder if and when necessary. Give your Chief Deputy copies of this Guide and the Recorders' Manual.
- ✓ **Contact your software vendor to have them change the name on your recording stamp,** effective January 1st of your term of office. It is best to establish contact with your vendor before taking office, so that you are both ready to work together on Day 1.

Day 1 – Here We Go!

- ✓ **Get in touch with your bank,** to get your name added to your account(s) and remove the outgoing Recorder. You will likely need some kind of written verification that you are the new elected official. Ask your County Auditor, Commissioners' office, or Legal department to provide this.
- ✓ **Make sure your opening cash (cash drawer)** has been returned to your Auditor or Treasurer from the previous term, and obtain a check that you can take to your bank to get your own cash for the drawer.
- ✓ **Obtain copies of all the keys to your office.**
- ✓ **If you have a safe, make sure you know the combination.**
- ✓ **Obtain your County ID cards** (for yourself and your Chief Deputy) from your HR or IT department.
- ✓ **Check in with your Auditor** to make sure you know when the next pay period ends, and to understand their process for filing payroll claims.
- ✓ **Talk to your IT department** to have them explain whatever data backup solutions your office has in place. If there are no backups, correct that inadequacy immediately!

Week 1 – Settling In

- ✓ **Get stamps made** with your name: signature stamp, certified document stamp (if you use a personalized one).
- ✓ **Order a name plate for your office door** (if your office has one), **letterhead** (or just create a Word template), **pre-printed envelopes, and business cards** (for yourself and your Chief Deputy).
- ✓ **Learn how to update your office's web page**, if you have one, and update it with your contact information and photo. Also update any staff changes that may have occurred in your transition.
- ✓ **Process your end-of-year reports**, and provide these to your County Auditor or Treasurer.
- ✓ **Process your December report-of-collections** and take a check for that amount to your County Treasurer. (Wait until your December bank statement is received, and reconcile that statement first. See below.)
- ✓ **Get in touch with any purchasing agents** that you will be working with in your County. These may include your Commissioners and your IT department. You are also a purchasing agent yourself, in charge of appropriate use of your Recorder's Perpetuation Fund, Identity Security Protection Fund, and Elected Officials Training Fund.
- ✓ **Talk to your Commissioners about any contracts** that your office has with various vendors. Make sure that any contracts up for renewal have been approved and signed.
- ✓ **Talk to one or more members of your County Council** about your budget expectations. Do you have a Council liaison?
- ✓ **Read through the Recorders' Manual**, and contact your Recorders Association district vice-president or mentor with any questions.

Month 1 – Getting Comfortable

- ✓ **Find out what written policies are in place in your office.** Are you comfortable with them? Do you feel they should be updated or modified?
- ✓ **Adopt clear policies and internal controls** for your office. (See additional training.)
- ✓ **Adopt clear and reasonable policies for your customers.**
- ✓ **Make sure you have a written job description for every position in your office.**
- ✓ **Set up a meeting with your County Clerk regarding your Local Records Commission.** As Recorder, you are eligible to serve as the secretary of this commission, as is the Clerk. Decide who it will be for the ensuing year.
- ✓ **Establish a schedule for records commission meetings**, which need to be held at least once every year.
- ✓ **Become familiar with records retention schedules.** There is additional training available for all matters pertaining to your Local Records Commission, including training sessions offered by the Indiana Archives and Records Administration (IARA).

- ✓ **Get in touch with your State legislators** that represent your county, to make sure they understand the responsibilities and needs of your office.
- ✓ **Become familiar with your required Education Credits** (IC 36-2-11-2.5).
 - Training courses are developed by the Association of Indiana Counties and approved by the State Board of Accounts.
 - You need to complete 15 credit-hours of training in your first year. Your attendance at the Newly-Elected Officers' Training conference counts toward these credits, as do the Recorder sessions at the Indiana Recorders Association (IRA) and Association of Indiana Counties (AIC) conferences.
 - You need to complete 40 credit-hours of training within three years of the beginning of your term(s). Again, sessions at conferences count toward these credits, and you will also receive credits for attending Newly-Elected Officials Training additional times.
- ✓ **Familiarize yourself with all of your office funding and budgets.**
 - General Fund – salaries for you and your staff.
 - Recorder's Perpetuation Fund – preservation of records, and other office expenses. (Note that you must certify that your records preservation needs are fully funded before you may use this fund for other purposes.)
 - County Elected Officials Training fund – for conferences and training seminars approved by the State Board of Accounts. This Fund may be used for the following elected officials and their staff, including chief deputies: Recorder, Auditor, Treasurer, Clerk, Surveyor.
 - Identity Security Protection fund – used almost exclusively to pay for recording software that includes SSN redaction.
- ✓ **Network!** Get to know the other Recorders in your district, especially your District VP and the member of the Education Committee. Make sure you know about all district meetings and go to them.

Important Concepts

All the aspects of your position are described in the IRA Recordors' Manual, which you should have handy at all times. You can download the Manual from the Indiana Recordors Association website: <http://indianarecorders.org/resources/recorders-manual/> This section of the Guide presents a few of the most important things to know and understand.

Also, make sure to bookmark the Recordors page on the State Board of Accounts website: <https://www.in.gov/sboa/4857.htm> There are several useful resources there, including their version of a County Recordors Manual.

Document Types and Examples

- Deeds (grantor/grantee, legal description)
- Mortgages (mortgagor/mortgagee, legal description)
- Releases and Assignments (require a cross-reference)
- Amendments and Modifications (require a cross-reference)
- UCCs (debtor/secured party)
 - Forms can be found at <http://www.in.gov/sos/business/4051.htm>
 - Although you will be scanning an image of the forms into your recording software, retain the physical copy according to the Recorder's Retention Schedule.
 - A Financing Statement ([IC 26-1-9.1-502](#)) is good for five years, unless continued. Keep for six calendar years after lapse or termination (Rec. Retention Schedule 10-31).
 - A Financing Statement Amendment ([IC 26-1-9.1-512](#) – 514) is used to continue, terminate, or assign a Financing Statement.
 - Information Request ([IC 26-1-9.1-523](#)). Retain for six calendar years after lapse or termination. ([Recorder's Retention Schedule](#) 10-30)
- Certificate of Assumed Business Name ("Firm and Partnership" or "DBA" form). A blank form may be downloaded from the Indiana Recordors Association website at www.indianarecorders.org
- Military Discharge ("DD214") - Note that this is a *restricted document* and not to be made available to the general public.)

General Recording Requirements

Deeds ([IC 32-21-3-3](#); [IC 32-21-2-11](#); [IC 36-2](#))

Conveyance ([IC 32-21-4-1](#); [IC 32-21](#); [IC 36-2](#))

Acknowledgements & Notarization ([IC 32-1-2-18](#); [IC 32-21](#); [IC 36-2](#); [IC 33-42-2-9](#))

Page Size ([IC 36-2-7-10](#))

Index / Legal Description ([IC 36-2-11-12](#); [IC 32-21](#); [IC 36-2](#))

Auditor's Transfer Stamp ([IC 36-2-11-14](#); [IC 32-21](#); [IC 36-2](#))

Prepared by statement ([IC 36-2-11-15](#); [IC 32-21](#); [IC 36-2](#))

Names printed/typed below signatures ([IC 36-2-11-16](#); [IC 32-21](#); [IC 36-2](#))

Social Security Redaction Statement ([IC 36-2-11-15](#))

Recording and Copy Fees

Some documents are to be recorded with no fee ([IC 36-2-7-10\(g\)](#)):

- Official Bond ([IC 5-4-1-5.1](#))
- Tax Sale Survey ([IC 6-1.1-22-2\(c\)](#))
- State, City or County Highway Right of Way ([IC 8-23-7](#))
- Right of Way & Easements ([IC 8-23-23](#))
- Military Discharge Documents ([IC 10-17-2-3](#))
- Certified Copy of Military Discharge ([IC 10-17-3-2](#))
- Old Age Supplement Certificate ([IC 12-14-13](#))
- Supplemental Assistance Liens ([IC 12-14-16](#))

Standard recording fees are listed in Appendix A. A detailed breakdown of the distributions of fees into various County funds can be found in the IRA Recorders' Manual.

Daily and Monthly Balancing

Daily Reports:

- Receipt of Fees
- Entry Book
- Fee and Cash Book
- Deposit
- Disbursements

Monthly Reports

- Bank Statement (reconcile monthly)
- Report of Collections
- Write check to Auditor or Treasurer (check with how your County does this) *after* you have reconciled your bank statement and matched the balance (including all outstanding receipts and payments) to your monthly Report of Collections.
- Monthly escrow and charge statements for customers (if you offer pre-pay and/or copy/print billing).
- If your office has its own bank account, a cash balance report and your bank reconciliation for each month must be filed with the Indiana State Board of Accounts through the Gateway website: gateway.ifionline.org Contact Lori Rogers with the SBOA (LRogers@sboa.IN.gov) for instructions on getting set up and using the Gateway interface.
- If your office has its own account, your December bank statement must be filed through Gateway once you have closed out the year.

Remote/Online Access to your Database

- Do you offer remote access to your records? (Via Doxpop, for example.)
- What is the current fee scale for that service?
- If you are not using a service such as Doxpop or Tapestry, how do you invoice customers? Do you offer billing and/or pre-pay?

Appendix A: Recording Fees

([IC 36-2-7-10](#), [-10.5](#), and [-10.7](#))

Documents and Services	Non-Marion County	Marion County
Mortgages	\$55	\$65
Most other documents	\$25	\$35
Multi-transaction documents, such as multiple releases of mortgages in a single document (Not all counties accept multi-transaction documents)	\$7 for each transaction after the first	
Plats, Large Surveys, other large-format documents (exceeding 8 ½ x 14 inches)	\$25 + \$5 per additional large sheet	
Mechanic's Liens	Standard fee of \$25 or \$35, includes one mailing to property owner. \$2 for each additional mailing	
Uniform Commercial Code (UCC) Filings (UCCs must be filed using national forms. Forms are available at the Indiana Secretary of State website.)	1-2 pages: \$6 3+ pages: \$10	
UCC Searches	\$7 + \$5 per additional name	
Copies of documents up to 11 x 17 inches	\$1 per page	
Copies of documents larger than 11 x 17 inches	\$5 per page/sheet	
Bulk Copies (Bulk purchasers must have a contract with the Recorder. "Bulk" means all recorded images, regardless of type, over a certain time period, excluding restricted document types.)	Between \$0.10 and \$0.20, depending on the County (Counties needing to charge more than \$0.10 must have a Commissioners' ordinance allowing for a higher rate.)	
Recorder's certification of any document (excepting Military Discharge documents)	\$5	
Assessor's Fee: Any document of transfer that requires a sales disclosure (such as a Deed)	Fee varies by County, payable to Auditor or Assessor	
Auditor's Transfer Fee: Any document that serves to transfer property (namely, any deed of transfer, including an Affidavit of Survivorship)	Fee varies by County, payable to Auditor	

As of 1 July 2017, recording fees are no longer based on number of pages (except for large-format documents such as surveys and plats). There will no longer be any additional fees for cross-references or for non-conforming pages. HOWEVER, documents are still required to conform to recording standards, and may be rejected for non-conformance.

To be strictly conforming: Documents must be no larger than 8 1/2 X 14 inches, be in 10-point type or larger, on white paper of at least 20-lb. weight (no permanently bound or continuous forms), and have margins of at least 2 inches on the top and 2 inches on the bottom of the first page and the last page with 1/2-inch margins on interior pages.

Non-conforming documents MAY still be accepted for recording, at the discretion of the Recorder. Documents are likely to be rejected if there is not a 2-inch margin on the first page (so that there is room for the Auditor's and Recorder's stamps), if pages are not legible due to small or unclear text, if the medium on which they are printed is not able to go through a scanner, or other reasons of recordability.

With certain noted exceptions, all documents for recording must be notarized or acknowledged, include a statement indicating who prepared the document, and include an affirmation that states: "I affirm, under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. [signed]"

The changes in the recording fee structure were brought about by the passage of Indiana Senate Enrolled Act 505. [More information on SEA 505 can be found here.](#)

Distribution of Recording Fees by County Fund

This recording fee distribution must be posted in a place of public view.

Fund	Non-Marion County (IC 10-2-7-10)		Marion County (IC 10-2-7-10.5)	
	Mortgage (e)	Other (d)	Mortgage (c)	Other (b)
County General Fund	\$34	\$8	\$35	\$9
County Surveyor's Corner Perpetuation Fund	\$5	\$5	\$5	\$5
County Recorder's Perpetuation Fund (RPF)	\$11.50	\$10	\$11.50	\$10
Auditor of State (State General and Homeowner Protection Funds IC 24-9-9-3 ; IC 24-9-9-4)	\$2.50		\$2.50	
County Identity Security Protection Fund (CISP)	\$1	\$1	\$0.50	\$0.50
County Elected Officials Training Fund (CEOT)	\$1	\$1	\$0.50	\$0.50
County Housing Trust Fund (IC 10-2-7-10.7)			\$10	\$10
Totals	\$55	\$25	\$65	\$35

Appendix B: Frequently used Indiana Codes

Alphabetical Listing

IC 36-2-11-8	Access to Instruments in Archival Process
IC 36-2-11-19	Affidavits - Recording
IC 36-2-11-15	Affirmation Statement
IC 36-2-16-4	Appointment of Chief or other deputies & employees
IC 32-29-1-8	Assignments
IC 36-2-11-14	Auditors Endorsement on Conveyance Document
IC 32-29-1-8	Blanket Recordings - Assignments
IC 5-4-1-18	Bonding Elected Officials
IC 36-2-7-10.1	Bulk Form Copies, Fees, Ordinance, Contracts, Watermark
IC 14-21-3	Cemetery & Burial Grounds
IC 36-2-7-10(c)(6)	Certification Fee
IC 32-21	Conveyance Procedures for Real Property
IC 36-2-7-10(a)(1)	Copy Definition
IC 36-2-7-10(c)(5)	Copy Fees
IC 36-2-11	County Recorder Info
IC 36-2-7-10(l)	Cross References
IC 5-14-3-9	Denial of Records
IC 5-13-6-1	Deposit
IC 32-23-2-5	Easements
IC 36-2-7-19	Elected Official (County) Training Fund
IC 26-2-8-110	Electronic Notarization
IC 5-24-2	Electronic Signatures
IC 36-2-17-17	Electronic Storage of Records
IC 5-14-3-3.6	Enhanced Access & Protection of Records
IC 5-14-3-8.3	Enhanced Access Fund
IC 36-2-11-16.5	Exceptions to Non-Conforming
IC 36-2-7-10.7	Fee - Housing Trust Fund - Marion County Only
IC 36-2-7-10(c)(3)	Fee - Recording Oversized Pages
IC 36-2-7-10	Fee Schedule & Fund Splits
IC 36-2-7-10.5	Fee Schedule & Fund Splits - Marion County Only
IC 16-41-27-29	Innkeeper Lien for Mobile Home Park
IC 32-21-1-11	Instruments Executed in Foreign Country (Notary)
IC 36-2-11-10	Legibility & Recording Requirements
IC 32-28-5	Lien Release
IC 32-28	Liens
IC 36-2-11-24	List of Recorded Mortgage Releases for Auditor
IC 5-15-6	Local Public Records Commissions
IC 32-28-6	Mechanics Lien Release

IC 32-28-3-3	Mechanics Liens
IC 36-2-17-4	Microfilm
IC 10-17-2	Military Discharges
IC 9-17-6-15.1	Mobile Homes - Affidavit to Transfer to Real Estate
IC 32-29-6	Mortgage Release by Title Company
IC 32-29-5	Mortgage Releases, Release of Judgement
IC 36-2-7-10(a)(3)	Multiple Transaction Document Definition
IC 33-42-2-9	Notary Printed Name on Documents
IC 36-2-11-16(c)(3)	Notary Requirements
IC 33-42-2	Notary Rules & Requirements
IC 36-2-11-23	Official Seal
IC 36-2-11-6	Overpayment of Recording Fees
IC 36-2-11-27	Payment Methods
IC 36-1-8-11	Payment Types
IC 36-2-7-10.2	Perpetuation Fund - Payment of Operating Expenses
IC 36-2-17-5	Preservation of Records/Recorder in Charge of Records
IC 5-14-3-2(q)	Public Record Defined
IC 36-2-11-16(f)	Recorded Copy Same Effect as Original
IC 36-2-11-2.5	Recorders Mandated Training
IC 36-2-7.5	Recording Documents Containing SSN
IC 30-5-3-3	Recording Power of Attorney <i>on Document</i>
IC 32-21-4	Recording Priority
IC 36-2-11-10	Recording Requirements
IC 36-2-11-16.5	Recording Requirements - paper, font, margins
IC 32-21-2-3	Recording Requirements & Grantee Address
IC 36-2-11-16	Recording Requirements for Instruments
IC 32-29-5-1(c)	Release - Separate Written Instrument
IC 5-10.2-4-1.7	Retirement/Vested
IC 5-14-3-3	Right to Inspect & Copy Records
IC 36-2-7-10(c)	Security Identification Fee
IC 36-2-7.5-6	Security Identification Fund Deposit
IC 36-2-7.5-11	Security Identity Fund and Transfers
IC 36-9-23-32	Sewage Liens
IC 36-9-23-33	Sewage Liens - Unpaid Fees & Penalties
IC 36-2-11-26	Social Security # on instruments presented for recording
IC 5-11-14-1	State Board of Accounts Called Meeting
IC 32-28-13-5 thru 8	Statement of Intent to Hold Common Law Lien
IC 36-2-7-10 & 10.5	Surveyors Fee
IC 32-17-14-11(i)	Transfer on Death - No Need For Auditors Stamp
IC 26-1-9.1-525	UCC Fee Schedule
IC 32-21-2.5	Uniform Real Property Electronic Recording Act

Numeric Listing

IC 5-4-1-18	Bonding Elected Officials
IC 5-10.2-4-1.7	Retirement/Vested
IC 5-11-14-1	State Board of Accounts Called Meeting
IC 5-13-6-1	Deposit
IC 5-14-3-2(g)	Public Record Defined
IC 5-14-3-3	Right to Inspect & Copy Records
IC 5-14-3-3.6	Enhanced Access & Protection of Records
IC 5-14-3-8.3	Enhanced Access Fund
IC 5-14-3-9	Denial of Records
IC 5-15-6	Local Public Records Commissions
IC 5-24-2	Electronic Signatures
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IC 32-29-1-8	Assignments
IC 32-29-1-8	Blanket Recordings - Assignments
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IC 33-42-2	Notary Rules & Requirements
IC 33-42-2-9	Notary Printed Name on Documents
IC 36-1-8-11	Payment Types
IC 36-2-7-10	Fee Schedule & Fund Splits
IC 36-2-7-10 & 10.5	Surveyors Fee

IC 36-2-7-10(a)(1)	Copy Definition
IC 36-2-7-10(a)(3)	Multiple Transaction Document Definition
IC 36-2-7-10(c)	Security Identification Fee
IC 36-2-7-10(c)(3)	Fee - Recording Oversized Pages
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IC 36-2-7.5	Recording Documents Containing SSN
IC 36-2-7.5-6	Security Identification Fund Deposit
IC 36-2-7.5-11	Security Identity Fund and Transfers
IC 36-2-11	County Recorder Info
IC 36-2-11-2.5	Recorders Mandated Training
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IC 36-2-17-17	Electronic Storage of Records
IC 36-9-23-32	Sewage Liens
IC 36-9-23-33	Sewage Liens - Unpaid Fees & Penalties