



## SUMMIT COUNTY, UTAH RECORDER'S OFFICE

### REAL PROPERTY ELECTRONIC RECORDING STANDARDS

In compliance with directives contained in Utah Code Annotated §17-21-1(4), the following standards, policies and procedures are hereby adopted by the Summit County Recorder's office this 27<sup>th</sup> day of APRIL 2017. These policies and procedures govern the electronic submission of documents, plats, and other records to the Recorder's Office, in conformance to standards established in UCA §17-21a:

1. All documents presented for recording, whether in electronic or paper form, must conform to document standards adopted in the Utah Code.
2. The Recorder's Office accepts electronic documents in conformance with UETA, URPERA, and ESIGN, provided they also conform to standards identified in Item 1 herein. (UCA §46-4, UCA §17-21a)
3. All documents must be in the English language. Any foreign language portions of documents must be accompanied by a certified English translation of all foreign text. (UCA §17-21-20)
4. All documents submitted for electronic recording must have annotated on the front page of the document the tax ID number of the property(ies) to which the document applies, and to which the document will be abstracted in the property records. (UCA §17-21-20)
5. If encryption is used to submit electronic documents, all encryption must be removed by the submitter upon receipt at the recorder's office. Documents reviewed by the Recorder's Office that have any portion of the document encrypted will be rejected.
6. Any surcharge allowed under UCA §17-21-18.5(5) for adoption of electronic recording procedures in the office of County Recorder may be levied at the discretion of the County Recorder.
7. Electronic documents submitted for recordation through the e-recording System will be rejected if they fail to meet: (i) the image or file format specifications; (ii) the document requirements provided in the Utah State Code, (iii) the standards established by the recorder's office for electronic documents, or (iv) submissions which contain a virus. Rejection of electronically submitted documents for cause is at the discretion of the Recorder's Office.
8. Not all document types are suitable for electronic submission to the County Recorder. Documents not accepted by electronic submission include: subdivision plat, annexation plat, de-annexation plat,

road dedication plat, road vacation plat, survey, or any other plat or document that is permanently stored in the county offices.

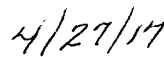
9. The e-recording system shall accommodate electronic notarization of documents in accordance with UCA §46-4-201. A notary public shall not perform an electronic notarization if the principal does not appear in person before the notary public at the time of notarization. The signer must always appear before the notary. UCA, Title 46 does not allow for variation on this matter. The State of Utah Notary Public Guide states that notarization of an electronic signature still requires personal appearance. It is a certification of a voluntary signature just the same as any other signature. Notarization of an electronic signature does NOT mean by phone, fax, email or video conference. For electronic notarization, the signer is in the presence of the notary using a computer instead of pen and paper.

10. Documents electronically submitted for recording must use one of the e-recording vendors that have been approved by the County Recorder and comply with the requirements of the county recording and indexing software.

11. Payment of all recording fees will be tendered to this office by the e-recording vendor(s) not later than the morning of the next business day following the recording of the document.

12. The Recorder's Office accepts electronically submitted documents during our normal business hours. There is often a delay between the time a document is submitted and the time it is received into our system for review. If a document is submitted toward the end of our business day, the document may be held in the queue and recorded the morning of the next business day.

  
\_\_\_\_\_  
Mary Ann Trussell Summit County Recorder

  
\_\_\_\_\_  
Date

## **Appendix A**

### **REQUIREMENTS FOR RECORDING**

For a document to be recorded in the Recorder's Office, it must meet the following requirements:

- 1 It must be an original document or be an electronic document that satisfies the requirements under UCA 17-21a, Uniform Real Property Electronic Recording Act (UCA §57-3-106).
- 2 It must contain a brief caption stating the nature of the document (UCA §57-3-106).
- 3 It must contain a legal description (UCA §57-3-105).
- 4 It must contain the names and mailing addresses of the grantees (UCA §57-3-105).
- 5 It must be sufficiently legible for the recorder to make certified copies (UCA §57-3-106).
- 6 It must contain a notary certificate containing the words "subscribed and sworn" or the equivalent, that is signed and certified by the officer taking the acknowledgement, proof, or jurat (UCA §57-3-101).
- 7 The names of all persons whose signatures appear on the instrument must be typed or printed on the instrument (UCA §17-21-25).
- 8 When title to real property is granted to a person as trustee, the following terms of the trust must be included: the name and address of the trustee; and the name and date of the trust (UCA §75-7-816).
- 9 A court judgment or an abstract of a court judgment must be an original or certified copy and include the information identifying the judgment debtor as referred to in Subsection 78-22-1.5(4) (UCA §57-3-106).
- 10 Judgments, abstracts of judgments, and separate information statements of the judgment creditor do not require an acknowledgment or a legal description to be recorded (UCA §57-3-106).
- 11 A foreign judgment or an abstract of a foreign judgment recorded in the office of a county recorder must include the affidavit as required in Section 78-22a-3 (UCA §57-3-106).
- 12 To release or assign a judgment lien must include the name of any judgment creditor, debtor, assignor, or assignee; the date of recording; and the entry number creating the judgment lien (UCA §57-3-106).
- 13 The tax serial number of each parcel affected by the instrument should appear on each instrument, though it is not considered part of the legal description (UCA §17-21-20).
- 14 Document shall be an original or certified copy of the document unless otherwise provided by law (UCA §17-21-20).
- 15 Document shall be in English or be accompanied by an accurate English translation of the document (UCA §17-21-20).
- 16 Document shall contain a brief title, heading, or caption on the first page describing the document (UCA §17-21-20).
- 17 Document shall contain the legal description of the property that is the subject of the document (UCA §17-21-20).

- 18 Document shall be notarized with the notary stamp with the seal legible; and shall have original signatures (UCA §17-21-20).
- 19 Each paper, notice or instrument submitted for recording in the county recorder's office shall be on white paper that is 8-1/2 inches by 11 inches in size (UCA §17-21-20).
- 20 Have a margin of one inch on the left and right sides and at the bottom of each page (UCA §17-21-20).
- 21 Have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner of the first page and a margin of one inch at the top of each succeeding page to provide room to affix recording data (UCA §17-21-20).
- 22 Shall not be on sheets of paper that are continuously bound together at the side, top or bottom (UCA §17-21-20).
- 23 Document shall not contain printed material on more than one side of each page (UCA §17-21-20).
- 24 Printed in black ink and not have text smaller than seven lines of text per vertical inch (UCA §17-21-20).
- 25 Be sufficiently legible to make certified copies (UCA §17-21-20).