

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 606

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KENNEDY, SMITH, CRAWFORD,
RICHARDSON AND HOPPE (Co-sponsors).

Read 1st time January 31, 2001, and 1000 copies ordered printed.

Read 2nd time February 1, 2001, and referred to the Committee on Local Government and Related Matters, February 15, 2001.

Reported from the Committee on Local Government and Related Matters, March 15, 2001, with recommendation that the bill Do
Pass by Consent.

Perfectured by Consent March 29, 2001.

TED WEDEL, Chief Clerk

1543L.02P

AN ACT

To repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and
to enact in lieu thereof three new sections relating to the same subject, with an effective
date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 59.310 and 59.313, RSMo 2000, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 59.005, 59.310 and 59.313, to read as follows:

59.005. As used in this chapter, unless the context clearly indicates otherwise, the
2 **following terms mean:**

3 (1) "Document" or "instrument", any writing or drawing presented to the recorder
4 of deeds for recording;

5 (2) "File", "filed" or "filing", the act of delivering or transmitting a document to
6 the recorder of deeds for recording into the official public record;

7 (3) "Grantor" or "grantee", the names of the parties involved in the transaction
8 used to create the recording index;

9 (4) "Legal description" shall include but not be limited to the reference to the lot
10 or parts thereof, block, plat or replat number, plat book and page and the name of any

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended
to be omitted in the law.

11 recorded plat; or if the property has not been platted, the acreage, if applicable, the
12 quarter/quarter section, and the section, township and range of property. The address of
13 the property shall not be accepted as legal description;

14 (5) "Legible", all text, seals, drawings, signatures or other content within the
15 document must be capable of producing a clear and readable image from record,
16 regardless of the process used for recording;

17 (6) "Page", any writing, printing or drawing printed on one side only covering all
18 or part of the page, not larger than eight and one-half inches in width and eleven inches
19 in height for pages other than a plat or survey;

20 (7) "Record", "recorded" or "recording", the recording of a document into the
21 official public record, regardless of the process used;

22 (8) "Recorder of deeds", the separate recorder of deeds in those counties where
23 separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in
24 those counties where the offices are combined.

59.310. 1. The county recorder of deeds may refuse any document presented for
2 recording that does not meet the following requirements:

3 (1) The document shall consist of one or more individual pages printed only on one
4 side and not permanently bound nor in a continuous form. The document shall not have
5 any attachment stapled or otherwise affixed to any page except as required by law,
6 provided that a document may be stapled together for presentation for recording; a label
7 that is firmly attached with a bar code or return address may be accepted for recording;

8 (2) The size of print or type shall not be smaller than eight-point type and shall be
9 in black or dark ink. Should any document presented for recording contain type smaller
10 than eight-point type, such document shall be accompanied by an exact typewritten copy
11 not smaller than eight-point type to be recorded contemporaneously as additional pages
12 of the document;

13 (3) The document must be of sufficient legibility to produce a clear and legible
14 reproduction thereof. Should any document not be of sufficient legibility to produce a
15 clear and legible reproduction, such document shall be accompanied by an exact
16 typewritten copy not smaller than eight-point type to be recorded contemporaneously as
17 additional pages of the document;

18 (4) The document shall be on white paper or light-colored of not less than twenty-
19 pound weight without watermarks or other visible inclusions, except for plats and surveys,
20 which may be on materials such as mylar or velum. All text within the document shall be
21 of sufficient color and clarity to ensure that when the text is reproduced from record, it
22 shall be readable;

23 (5) All signatures on a document shall be in black or dark ink and shall have the
24 corresponding name typed, printed or stamped underneath said signature. The typing or
25 printing of any name or the applying of an embossed or inked stamp shall not cover or
26 interfere with any part of the document except where provided for by law;

27 (6) The documents shall have a top margin of at least three inches of vertical space
28 from left to right, indicated by a horizontal line to be reserved for the recorder of deeds'
29 certification and use. All other margins on the document shall be a minimum of three-
30 fourths of one inch on all sides. Nonessential information such as form numbers, page
31 numbers or customer notations may be placed in the margin. A document may be
32 recorded if a minor portion of a seal or incidental writing extends beyond the
33 margins. The recorder of deeds will not incur any liability for not showing any seal or
34 information that extends beyond the margins of the permanent archival record.

35 2. Every document containing any of the items listed in this subsection that is
36 presented for recording, except plats and surveys, shall have such information on the first
37 page below the three-inch horizontal margin:

- 38 (1) The title of the document;
- 39 (2) The date of the document;
- 40 (3) All grantors' names;
- 41 (4) All grantees' names;
- 42 (5) Any statutory addresses;
- 43 (6) The legal description of the property; and
- 44 (7) Reference book and pages for statutory requirements.

45
46 If there is not sufficient room on the first page for all of the information required by this
47 subsection, the page reference within the document where the information is set out shall
48 be stated on the first page.

49 3. For a period of two years from January 1, 2002, documents which do not meet
50 the requirements set forth in this section may be recorded for an additional fee of twenty-
51 five dollars, which shall be deposited in the recorders' fund established pursuant to
52 subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a
53 document which does not meet the requirements set out in this section.

54 4. Documents which are exempt from format requirements and which the recorder
55 of deeds may record include the following:

- 56 (1) Documents which were signed prior to January 1, 2002;
- 57 (2) Military separation papers;
- 58 (3) Documents executed outside the United States;

- 59 (4) Certified copies of documents, including birth and death certificates;
60 (5) Any document where one of the original parties is deceased or otherwise
61 incapacitated; and
62 (6) Judgments or other documents formatted to meet court requirements.
- 63 5. Any document rejected by a recorder of deeds shall be returned to the preparer
64 or presenter accompanied by an explanation of the reason it could not be recorded.
- 65 6. Recorders of deeds shall be allowed fees for their services as follows:
- 66 (1) For recording every deed or instrument: five dollars for the first page and three
67 dollars for each page thereafter except for plats and surveys;
- 68 (2) For copying or reproducing any recorded instrument, except surveys and plats:
69 a fee not to exceed two dollars for the first page and one dollar for each page thereafter;
- 70 (3) For every certificate and seal, except when recording an instrument: one dollar;
- 71 (4) For recording a plat or survey of a subdivision, outlets or condominiums:
72 twenty-five dollars for each sheet of drawings or calculations based on a size not to exceed
73 twenty-four inches in width by eighteen inches in height. For recording a survey of one or
74 more tracts: five dollars for each sheet of drawings or calculations based on a size not to
75 exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger
76 than eighteen inches by twenty-four inches shall be counted as an additional sheet for each
77 additional eighteen inches by twenty-four inches, or fraction thereof, plus five dollars per
78 page of other material;
- 79 (5) For copying a plat or survey of one or more tracts: a fee not to exceed five
80 dollars for each sheet of drawings and calculations not larger than twenty-four inches in
81 width and eighteen inches in height and one dollar for each page of other material;
- 82 (6) For a document which releases or assigns more than one item: five dollars for
83 each item beyond one released or assigned in addition to any other charges which may
84 apply, however, the recorder may require individual documents due to recording
85 processes;
- 86 (7) For every certified copy of a marriage license or application for a marriage
87 license: two dollars; and
- 88 (8) For duplicate copies of the records in a medium other than paper, the recorder
89 of deeds shall set a reasonable fee not to exceed the costs associated with document search
90 and duplication;
- 91 (9) For all other use of equipment, personnel services and office facilities, the
92 recorder of deeds may set a reasonable fee.

59.313. 1. The recorder of deeds in a city not within a county may refuse any
2 document presented for recording that does not meet the following requirements:

3 (1) The document shall consist of one or more individual pages not permanently
4 bound nor in a continuous form. The document shall not have any attachment stapled or
5 otherwise affixed to any page except as required by law, provided that a document may be
6 stapled together for presentation for recording; a label that is firmly attached with a bar
7 code or return address may be accepted for recording;

8 (2) The size of print or type shall not be smaller than eight-point type and shall be
9 in black or dark ink. Should any document presented for recording contain type smaller
10 than eight-point type, such document shall be accompanied by an exact typewritten copy
11 not smaller than eight-point type to be recorded contemporaneously as additional pages
12 of the document;

13 (3) The document must be of sufficient legibility to produce a clear and legible
14 reproduction thereof. Should any document not be of sufficient legibility to produce a
15 clear and legible reproduction, such document shall be accompanied by an exact
16 typewritten copy not smaller than eight-point type to be recorded contemporaneously as
17 additional pages of the document;

18 (4) The document shall be on white or light-colored paper of not less than twenty-
19 pound weight without watermarks or other visible inclusions, except for plats and surveys,
20 which may be on materials such as mylar or velum. All text within the document shall be
21 of sufficient color and clarity to ensure that when the text is reproduced from record, it
22 shall be readable;

23 (5) All signatures on a document shall be in black or dark ink and shall have the
24 corresponding name typed, printed or stamped underneath said signature. The typing or
25 printing of any name or the applying of an embossed or inked stamp shall not cover or
26 interfere with any part of the document, except where provided for by law;

27 (6) Every document, except plats and surveys, shall have a top margin of at least
28 three inches of vertical space from left to right, indicated by a horizontal line to be reserved
29 for the recorder of deeds' certification and use. All other margins on the document shall
30 be a minimum of three-fourths of one inch on all sides. Nonessential information such as
31 form numbers, page numbers or customer notations may be placed in the margin. A
32 document may be recorded if a minor portion of a seal or incidental writing extends
33 beyond the margins. The recorder of deeds will not incur any liability for not showing any
34 seal or information that extends beyond the margins of the permanent archival record.

35 2. Every document containing any of the items listed in this subsection that is
36 presented for recording, except plats and surveys, shall have such information on the first
37 page below the three inch horizontal line:

38 (1) The title of the document;

- 39 (2) The date of the document;
40 (3) All grantors' names;
41 (4) All grantees' names;
42 (5) Any statutory addresses;
43 (6) The legal description or descriptions of the property; and
44 (7) Reference book and page for statutory requirements.

45

46 **If there is not sufficient room on the first page for all the required information, the page**
47 **reference within the document where the information is set out shall be placed on the first**
48 **page.**

49 **3. For a period of two years from January 1, 2002, documents which do not meet**
50 **the requirements set forth in this section may be recorded for an additional fee of twenty-**
51 **five dollars, which shall be deposited in the recorders' fund established pursuant to**
52 **subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a**
53 **document which does not meet the requirements set out in this section.**

54 **4. Documents which are exempt from format requirements and which the recorder**
55 **of deeds may record include the following:**

- 56 (1) Documents which were signed prior to January 1, 2002;
57 (2) Military separation papers;
58 (3) Documents executed outside the United States;
59 (4) Certified copies of documents, including birth and death certificates;
60 (5) Any document where one of the original parties is deceased or otherwise
61 incapacitated; and
62 (6) Judgments or other documents formatted to meet court requirements.

63 **5. Any document rejected by a recorder of deeds shall be returned to the preparer**
64 **or presenter accompanied by an explanation of the reason it could not be recorded.**

65 **6. Recorders of deeds shall be allowed fees for their services as follows:**

- 66 (1) For recording every deed or instrument: ten dollars for the first page and five
67 dollars for each page thereafter;
68 (2) For copying or reproducing any recorded instrument, except surveys and plats:
69 three dollars for the first page and two dollars for each page thereafter;
70 (3) For every certificate and seal, except when recording an instrument: two
71 dollars;
72 (4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-
73 four dollars for each sheet of drawings and calculations based on a size of not to exceed
74 twenty-four inches in width by eighteen inches in height, plus ten dollars for each page of

75 **other materials;**

76 **(5) For recording a survey of one tract of land, in the form of one sheet not to**
77 **exceed twenty-four inches in width by eighteen inches in height: eight dollars;**

78 **(6) For copying a plat or survey: eight dollars for each page;**

79 **(7) For every certified copy of a marriage license or application for a marriage**
80 **license: five dollars;**

81 **(8) For releasing on the margin: eight dollars for each item released;**

82 **(9) For a document which releases or assigns more than one item: seven dollars**
83 **and fifty cents for each item beyond one released or assigned in addition to any other**
84 **charges which may apply; and**

85 **(10) For duplicate reels of microfilm: thirty dollars each. For all other use of**
86 **equipment, personnel services and office space the recorder of deeds shall set attendant**
87 **fees.**

[59.310. 1. As used in this section, "page" means any writing, printing or
2 drawing covering all or part of one side of a paper, other than a plat, not larger than
3 8 ½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the
4 following conditions:

5 (1) Should sufficient space not be provided for the necessary recording
6 information and certification on a document, said recording information and
7 certification shall be placed on an added sheet and such sheet shall be counted as a
8 page;

9 (2) The size of print or type on any document to be recorded shall not be
10 smaller than 8 point. Should any document to be recorded contain type smaller than
11 8 point, such document must be accompanied by an exact typewritten copy thereof
12 which will be recorded contemporaneously with the document;

13 (3) The document must be of sufficient legibility so as to produce a clear and
14 legible reproduction thereof. Should a document not be of sufficient legibility so as
15 to produce a clear and legible reproduction, such document must be accompanied by
16 an exact typewritten copy thereof which will be recorded contemporaneously with
17 the document;

18 (4) Any attachment which extends the length of the page, and any deed or
19 document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be
20 counted as an additional page for each additional 8 ½ inches x 14 inches or fraction
21 thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an
22 additional page for each additional 18 inches x 24 inches or fraction thereof.

23 2. Any signature on a document shall have the corresponding name typed,
24 printed or stamped underneath said signature.

25 3. Recorders shall be allowed fees for their services as follows:

26 (1) For recording every deed or instrument: \$5.00 for the first page and
27 \$3.00 for each page thereafter;

28 (2) For copying or reproducing any recorded instrument except surveys or

29 plats: a fee not to exceed \$2.00 for the first page and \$1.00 for every page thereafter;

30 (3) For every certificate and seal, except when recording an instrument:
31 \$1.00;

32 (4) For recording a plat or survey of a subdivision, outlots or condominiums:
33 \$25.00 for each page of drawings and calculations plus \$5.00 for each page of other
34 material;

35 (5) For recording a survey of one tract of land, in the form of one page:
36 \$5.00 per page;

37 (6) For copying a plat or survey: a fee not to exceed \$5.00 for each page;

38 (7) For every certified copy of a marriage license or application for a
39 marriage license: \$2.00. The only additional fee over and above this is the \$1.00
40 state user fee on all documents that convey real estate, and a 25-cent fee for
41 identifying each note to an instrument when a document is recorded that creates a lien
42 against the real estate.]

[59.313. 1. As used in this section for recording in the office of the recorder
2 of deeds of any city not within a county, "page" means any writing, printing or
3 drawing covering all or part of one side of a paper, other than a plat not larger than
4 8 ½ inches x 14 inches, or of a plat not larger than 18 x 24 inches, with the following
5 conditions:

6 (1) Should sufficient space not be provided for the necessary recording
7 information and certification on a document, said recording information and
8 certification shall be placed on an added sheet and such sheet shall be counted as a
9 page;

10 (2) The size of print or type on any document to be recorded shall not be
11 smaller than 8 point. Should any document to be recorded contain type smaller than
12 8 point, such document must be accompanied by an exact typewritten copy thereof
13 which will be recorded contemporaneously with the document. Such additional
14 documents shall be recorded at the same cost as an original;

15 (3) The document must be of sufficient legibility so as to produce a clear and
16 legible reproduction thereof. Should a document not be of sufficient legibility so as
17 to produce a clear and legible reproduction, such document must be accompanied by
18 an exact typewritten copy thereof which will be recorded contemporaneously with
19 the document;

20 (4) Any attachment which extends the length of the page, and any deed or
21 document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be
22 counted as an additional page for each additional 8 ½ inches x 14 inches or fraction
23 thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an
24 additional page for each additional 18 inches x 24 inches or fraction thereof.

25 2. Any signature on a document shall have the corresponding name typed,
26 printed or stamped underneath the signature.

27 3. The recorder of deeds in any city not within a county shall be allowed fees
28 for his services as follows:

29 (1) For recording every deed or instrument: \$10.00 for the first page and

- 30 \$5.00 for each page thereafter;
- 31 (2) For copying or reproducing any recorded instrument, except surveys and
- 32 plats: \$3.00 for the first page and \$2.00 for each page thereafter;
- 33 (3) For every certificate and seal, except when recording an instrument:
- 34 \$2.00;
- 35 (4) For recording a plat or survey of a subdivision, outlots or condominiums:
- 36 \$44.00 for each page of drawings and calculations plus \$10.00 for each page of other
- 37 materials;
- 38 (5) For recording a survey of one tract of land, in the form of one page:
- 39 \$8.00;
- 40 (6) For copying a plat or survey: \$8.00 for each page;
- 41 (7) For every certified copy of a marriage license or application for a
- 42 marriage license: \$5.00;
- 43 (8) For releasing on the margin: \$8.00 for each item released;
- 44 (9) For a document which releases or assigns more than one item: \$7.50 for
- 45 each item beyond one released or assigned in addition to any other charges which
- 46 may apply; and
- 47 (10) For duplicate reels of microfilm: \$30.00 each. For all other personnel
- 48 services, use of equipment and use of office space the recorder of deeds shall set
- 49 attendant fees.]

Section B. Section A of this act shall become effective January 1, 2002.