

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 606**  
91ST GENERAL ASSEMBLY

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Reported from the Committee on Local Government and Economic Development, April 12, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

1543S.05C

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**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.

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

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Section A. Sections 59.310 and 59.313, RSMo 2000, are repealed and three new  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

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

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

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

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

9 **(4) "Legal description", includes but is not limited to the lot or parts thereof,  
10 block, plat or replat number, plat book and page and the name of any recorded plat  
11 or a metes and bounds description with acreage, if stated in the description, or the  
12 quarter/quarter section, and the section, township and range of property, or any  
13 combination thereof. The address of the property shall not be accepted as legal  
14 description;**

15 **(5) "Legible", all text, seals, drawings, signatures or other content within the**

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

16 document must be capable of producing a clear and readable image from record,  
17 regardless of the process used for recording;

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

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

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

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

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

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

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

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

24 (5) All signatures on a document shall be in black or dark ink, such that such  
25 signatures shall be of sufficient color and clarity to ensure that when the text is  
26 reproduced from record, it shall be readable, and shall have the corresponding  
27 name typed, printed or stamped underneath said signature. The typing or printing

28 of any name or the applying of an embossed or inked stamp shall not cover or  
29 otherwise materially interfere with any part of the document except where  
30 provided for by law;

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

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

- 42 (1) The title of the document;
- 43 (2) The date of the document;
- 44 (3) All grantors' names;
- 45 (4) All grantees' names;
- 46 (5) Any statutory addresses;
- 47 (6) The legal description of the property; and
- 48 (7) Reference book and pages for statutory requirements, if applicable.

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

52 3. From January 1, 2002, documents which do not meet the requirements set  
53 forth in this section may be recorded for an additional fee of twenty-five dollars,  
54 which shall be deposited in the recorders' fund established pursuant to subsection  
55 1 of section 59.319.

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

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

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

68           6. Recorder of deeds shall be allowed fees for their services as follows:

69           (1) For recording every deed or instrument: five dollars for the first page  
70 and three dollars for each page thereafter except for plats and surveys;

71           (2) For copying or reproducing any recorded instrument, except surveys and  
72 plats: a fee not to exceed two dollars for the first page and one dollar for each page  
73 thereafter;

74           (3) For every certificate and seal, except when recording an instrument: one  
75 dollar;

76           (4) For recording a plat or survey of a subdivision, outlets or condominiums:  
77 twenty-five dollars for each sheet of drawings or calculations based on a size not  
78 to exceed twenty-four inches in width by eighteen inches in height. For recording  
79 a survey of one or more tracts: five dollars for each sheet of drawings or  
80 calculations based on a size not to exceed twenty-four inches in width by eighteen  
81 inches in height. Any plat or survey larger than eighteen inches by twenty-four  
82 inches shall be counted as an additional sheet for each additional eighteen inches  
83 by twenty-four inches, or fraction thereof, plus five dollars per page of other  
84 material;

85           (5) For copying a plat or survey of one or more tracts: a fee not to exceed  
86 five dollars for each sheet of drawings and calculations not larger than twenty-four  
87 inches in width and eighteen inches in height and one dollar for each page of other  
88 material;

89           (6) For a document which releases or assigns more than one item: five  
90 dollars for each item beyond one released or assigned in addition to any other  
91 charges which may apply;

92           (7) For every certified copy of a marriage license or application for a  
93 marriage license: two dollars;

94           (8) For duplicate copies of the records in a medium other than paper, the  
95 recorder of deeds shall set a reasonable fee not to exceed the costs associated with  
96 document search and duplication; and

97           (9) For all other use of equipment, personnel services and office facilities,  
98 the 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

4 permanently bound nor in a continuous form. The document shall not have any  
5 attachment stapled or otherwise affixed to any page except as necessary to comply  
6 with statutory requirements, provided that a document may be stapled together for  
7 presentation for recording; a label that is firmly attached with a bar code or return  
8 address may be accepted for recording;

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

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

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

24 (5) All signatures on a document shall be in black or dark ink, such that such  
25 signatures shall be of sufficient color and clarity to ensure that when the text is  
26 reproduced from record, it shall be readable, and shall have the corresponding  
27 name typed, printed or stamped underneath said signature. The typing or printing  
28 of any name or the applying of an embossed or inked stamp shall not cover or  
29 otherwise materially interfere with any part of the document, except where  
30 provided for by law;

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

40 2. Every document containing any of the items listed in this subsection that

41 is presented for recording, except plats and surveys, shall have such information  
42 on the first page below the three inch horizontal line:

- 43 (1) The title of the document;
- 44 (2) The date of the document;
- 45 (3) All grantors' names;
- 46 (4) All grantees' names;
- 47 (5) Any statutory addresses;
- 48 (6) The legal description or descriptions of the property; and
- 49 (7) Reference book and page for statutory requirements, if applicable.

50 If there is not sufficient room on the first page for all the required information, the  
51 page reference within the document where the information is set out shall be  
52 placed on the first page.

53 3. From January 1, 2002, documents which do not meet the requirements set  
54 forth in this section may be recorded for an additional fee of twenty-five dollars,  
55 which shall be deposited in the recorders' fund established pursuant to subsection  
56 1 of section 59.319.

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

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

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

69 6. Recorder of deeds shall be allowed fees for their services as follows:

- 70 (1) For recording every deed or instrument: ten dollars for the first page  
71 and five dollars for each page thereafter;
- 72 (2) For copying or reproducing any recorded instrument, except surveys and  
73 plats: three dollars for the first page and two dollars for each page thereafter;
- 74 (3) For every certificate and seal, except when recording an instrument: two  
75 dollars;
- 76 (4) For recording a plat or survey of a subdivision, outlots or condominiums:  
77 forty-four dollars for each sheet of drawings and calculations based on a size of not

78 to exceed twenty-four inches in width by eighteen inches in height, plus ten dollars  
79 for each page of other materials;

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

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

83 (7) For every certified copy of a marriage license or application for a  
84 marriage license: five dollars;

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

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

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

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

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

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

19 (4) Any attachment which extends the length of the page, and any  
20 deed or document larger than 8 1/2 inches x 14 inches, other than a plat or  
21 survey, shall be counted as an additional page for each additional 8 1/2 inches  
22 x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24

23 inches shall be counted as an 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  
26 typed, printed or stamped underneath said signature.

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

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

30 (2) For copying or reproducing any recorded instrument except surveys  
31 or plats: a fee not to exceed \$2.00 for the first page and \$1.00 for every page  
32 thereafter;

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

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

38 (5) For recording a survey of one tract of land, in the form of one page:  
39 \$5.00 per page;

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

42 (7) For every certified copy of a marriage license or application for a  
43 marriage license: \$2.00. The only additional fee over and above this is the  
44 \$1.00 state user fee on all documents that convey real estate, and a 25-cent fee  
45 for identifying each note to an instrument when a document is recorded that  
46 creates a lien against the real estate.]

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

10 (2) The size of print or type on any document to be recorded shall not  
11 be smaller than 8 point. Should any document to be recorded contain type  
12 smaller than 8 point, such document must be accompanied by an exact



13 typewritten copy thereof which will be recorded contemporaneously with the  
14 document. Such additional documents shall be recorded at the same cost as  
15 an original;

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

21 (4) Any attachment which extends the length of the page, and any  
22 deed or document larger than 8 1/2 inches x 14 inches, other than a plat or  
23 survey, shall be counted as an additional page for each additional 8 1/2 inches  
24 x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24  
25 inches shall be counted as an additional page for each additional 18 inches x  
26 24 inches or fraction thereof.

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

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

31 (1) For recording every deed or instrument: \$10.00 for the first page  
32 and \$5.00 for each page thereafter;

33 (2) For copying or reproducing any recorded instrument, except  
34 surveys and plats: \$3.00 for the first page and \$2.00 for each page thereafter;

35 (3) For every certificate and seal, except when recording an  
36 instrument: \$2.00;

37 (4) For recording a plat or survey of a subdivision, outlots or  
38 condominiums: \$44.00 for each page of drawings and calculations plus \$10.00  
39 for each page of other materials;

40 (5) For recording a survey of one tract of land, in the form of one page:  
41 \$8.00;

42 (6) For copying a plat or survey: \$8.00 for each page;

43 (7) For every certified copy of a marriage license or application for a  
44 marriage license: \$5.00;

45 (8) For releasing on the margin: \$8.00 for each item released;

46 (9) For a document which releases or assigns more than one item:  
47 \$7.50 for each item beyond one released or assigned in addition to any other  
48 charges which may apply; and

49                   (10) For duplicate reels of microfilm: \$30.00 each. For all other  
50           personnel services, use of equipment and use of office space the recorder of  
51           deeds shall set attendant fees.]

                  Section B. The enactment of section 59.005 and the repeal and reenactment of  
2   sections 59.310 and 59.313 shall become effective January 1, 2002.