
Local Government Committee

HB 1593

Brief Description: Requiring the delivery of endorsements by recording officers.

Sponsors: Representatives Berkey, Mielke, Dunshee, Haigh, Benson, Romero, Ahern, Moeller, Wood, Hinkle and Sullivan.

Brief Summary of Bill

- Requires recording officers to deliver all recorded documents.

Hearing Date: 2/13/03

Staff: Anne Warwick (786-7291).

Background:

Definitions:

Instruments are documents such as:

- Deeds, grants, and transfers of real property;
- Mortgage and release of mortgages or real estate;
- Agreements relating to community or separate property;
- Powers of attorney to convey real estate and leases; and
- All papers or writings required by law to be filed.

A **file** is the delivery or electronic transmission of an instrument to the auditor or recording officer for recording into the official public records.

A **record** is the process (such as electronic, mechanical, optical, magnetic, or microfilm storage) used by the auditor or recording officer after filing to incorporate the instrument into public records.

When any document required by law to be recorded is received by mail (electronically or in person) by the auditor's office, the recording officer marks the time it was received and notes if the document was received electronically. The recording officer then files and records the document. After the document is recorded, the recording officer will then mark on the document the time, book, and page in which the document was recorded. If

requested, the document is electronically transmitted to the party leaving it for recording or delivered to the address on the face of the document.

Presently some counties do mail the documents back individually to their customers. Other counties vary their practices in the delivery of recorded documents depending on the number of documents to be recorded. Examples of a county practice of delivery for recorded documents received by mail are:

- If a batch (from 3-100+ of individually addressed documents), the records department mails the batch back to the customer, so that the customer can mail them out individually;
- If a single document or if all documents are to be sent to the same address, the records department mails them back together to the address on the document;
- If the customer sends pre-addressed/postage paid envelopes, the records department mails them out individually; or
- If the documents are sent through a title company, then the records department sends all of the documents back to the title company.

Summary of Bill:

The recording officer must electronically transmit a document to the party leaving it to be recorded, or deliver it to the address on the face of the document.

Appropriation: None.

Fiscal Note: Requested on February 11, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.