

County Recorder's Quick Reference Guide to the Utah State Code

Uintah County Recorder Title 17-21

Section

1. Recorder - Document custody responsibility - Electronic document submission and guidelines.
2. Seal.
3. Original Documents or copies of original documents to be kept by the county.
4. Certified Copies.
5. Receipts for recording of instruments.
6. General Duties - Records and Indexes. (1) - (4)
9. Indexing of deeds and other instruments. (Sheriff, Executor, Trustee, Etc.)
10. Judgments affecting real estate. (Certified copies recorded)
11. Notice given by recording. (Certified copy - same effect as original.)
12. Recording procedures - Endorsements of entry number required on documents.
13. Endorsement of book and page - Return of instrument. (Omission of Book and Page and Returning Original.)
14. Military Records - Evidence. (Recordings and copies of discharge from military free of charge.)
16. Acknowledgements and administration of oath.
17. Prohibited acts. (Altering documents.)
18. Fees must be paid in advance. (Recordings or copies.)
- 18.5 Fees of County Recorder
19. Records open to inspection - Copies.
 - (1) Unless otherwise private, all instruments of record and all indexes open to public inspection.
20. Recording required - Recorder may require tax serial number.
21. Ownership plats - Use of geographic information systems or computer systems.
22. Annual revision - Reporting changes in ownership to county assessors - (by the 30th of January of each year.)
25. Names of persons signing to be typed or printed on instruments presented for filing.

Acknowledgements Title 57-2

Section 10 - Proof of execution - How made.

- (1) by the testimony of a subscribing witness, if there is one; or
 - (2) if witnesses are dead; or cannot be had, by evidence of the handwriting of the party, and of a subscribing witness, if there is one, given by a credible witness to each signature.
11. Witness must be known or identified. (Proved)

Title 57-2A

Section 2 – Definitions

3. Persons authorized to perform notarial acts.

Title 57-3

Section 101

(3) right to record documents unaffected by sub-divisional ordinances.

Title 57-4A

Section 3

Document recordable without acknowledgment. (Exceptions) (Not after July 1, 1988)

Title 59-2

Section 1364 - Record of deeds issued - Acknowledgment.

(Recorder shall acknowledge tax deeds free of charge)

Annexations and Adjustments Title 10-2

Section 401. (2) (a)(Definition of owner)

. . . according to records of the County Recorder on date of filing of petition...

402. Annexation - Limitations.

(1) (a) A contiguous unincorporated area that is contiguous to a municipality may be annexed. . .

(b) May not be annexed . . . unless:

(i) it is a contiguous area;

(ii) contiguous to municipality;

(iii) ... will not leave or create unincorporated island or peninsula (see 10-2-418(1)(b) for exceptions)

After December 31, 2002 must be included in expansion area

403. Annexation petition – Requirements

405. Acceptance or rejection of annexation petition. Modified petition

(2) If the municipal legislative body accepts a petition. . .the city recorder or town clerk shall. . .

(4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records of records that a city recorder requests under Subsection (2)(a).

425. Filing of plat or map and amended articles - Notice requirements.

(1) (a) Within 30 days shall. . . (ii) record with the county recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with a plat or map. . .

Boundary Line Agreements 57-1-45

Section 1. Agreement between property owners shall act as Quit Claim Deed and convey all of each parties title and interest outside agreed boundary lines.

Section 2. Each Boundary Line Agreement under subsection; (1) Shall contain legal descriptions and address of grantee(s).

Cemeteries Title 8-3

Section 1. Plats of cemeteries must be recorded (no fees)

Section 3. Transcripts to be filed for record (without charge)

Commission Utility Records Title 54-7

Section 5. Orders and certificates to be in writing and entered on records of commission - Recordation.

Every order, authorization or certificate issued or approved by the commission . . . may be recorded in the office of the recorder. . .

Condominiums Title 57-8

Condominium Ownership Act.

Section 3. Definitions.

4. Status of the units.

Each unit, . . . shall, for all purposes, constitute real property...

7. Common areas and facilities.

(2) (Undivided interests.) Contents of declaration.

11. Contents of deeds of units.

12. Recording.

(1) Neither the declaration nor any amendment thereof shall be valid unless recorded. (2) . . . recorder shall maintain an index. . .

13. Record of survey map to be recorded.

(1) Simultaneously with the recording of declaration there shall be recorded . . . record of survey map. . . (contents of map.)

(4) Boundaries of buildings... constructed... actual boundaries rather than description boundaries.

13.6 Expansion of project.

13.8 Contraction of project.

22. Removal of property form statutory provisions.

27. Separate taxation.

35. Effect of other laws - Compliance with ordinances and codes - Approval of projects by municipality or county.

Conveyance Documents Title 57-1

Section 3. Grant of fee simple presumed.

5. Creation of joint tenancy presumed - Tenancy in common.

Severance of Joint Tenancy.

(1) (a) Beginning May 5, 1997 every ownership interest . . . granted to two persons . . . who are designated as husband and wife . . . is presumed to be a joint tenant. . .

(b) Every ownership . . . which does not qualify for the joint tenancy presumption. . . is presumed to be a tenancy in common interest . . .

10. After-acquired title passes.

11. Claimant out of possession may convey. (May deed any interest.)
12. Form of warranty deed - Effect. (With covenants.)
13. Form of quitclaim deed - Effect. ("at the date of such conveyance.")
28. Sale of trust property by trustee - Payment of bid - Trustee's deed delivered to purchaser - Recitals - Effect.

Criminal Code Title 76-6

Section 503. Fraudulent handling of recordable writings

Title 76-8

Section 412. Stealing, destroying or mutilating public records by custodian.

413. Stealing, destroying or mutilating public records by one not custodian.

414. Recording false or forged instruments.

Dependent Special Districts 17A-3

Section 307. (6) Defines procedures for recording a municipal special improvement district.

Digital Signatures 46-3

Utah Digital Signature Act

Easement (Public Utility) 54-3-27

Section *(5) A subdivision plat that includes a public utility easement may not be recorded unless the sub-divider has provided the municipality or county with proof that each public utility has been notified... 14 days before recording.

Electronic Submissions 17-21

Section 1(3) The county recorder ... may establish procedures and guidelines to govern the electronic submission of plats, records and other documents...

Federal Tax Liens Title 38-6

Section 1. Notice by recording with county recorder.

2. Recorder's duties. (Index, Return originals)

3. Recording of certificate of discharge.

4. County to furnish indexes and files.

Fees Title 17-21

Fees of County Recorder

Section 18.5(4) The county may determine and collect a fee for all services not enumerated in this section.

Section 3.3 Payment of fees prerequisite to service – exceptions

(1)(a)...county officers required by law to charge fees may not perform any official service unless the fees ..are paid in advance.

(2)(a)through(g)recording fees exempt to the officer's state, or any county or subdivision of the state, etc. (except judgments:573-106, 78-5-119)

Highways Title 72-5

Section 104. Public use constituting dedication. (10 years.)

Section 105. Highways, streets, or roads once established continue until abandoned.

(1) Public roads shall continue, until abandoned or vacated by highway authority.

(2) Vesting of vacated highway - "1/2 width ... assessed" description of owner of record extends into vacated street.

Homestead Exemptions Title 78B-5

Section 503. Homestead exemption - Definitions - Excepted obligation - water rights and interests - Conveyance - Sale and disposition - Property right for federal tax purposes.

Section 504. Declaration of homestead - Filing - Contents - Failure to file - Conveyance by married person - No execution sale if bid less than exemption - Redemption rights of judgment creditor.

Incorporations Title 10-2

Section 121. (4) Within 30 days . . . legislative body of new city shall record. . . a plat or map . . . showing boundaries of the new city.

Incorporation of a town.

(6) (b) (iii). Lieutenant governor shall: send a copy of the articles of Incorporation to the recorder. . .

Joint Tenancy Title 57-1

Section 5. Presumption of joint tenancy for husband and wife. (1) (a) Beginning May 5, 1997 - Real estate ownership...designated a husband and wife...presumed joint tenancy.

5.1 Termination of an interest in real estate - Affidavit

(2) Affidavit required by Subsection (1) shall:

(a) cite the interest which is being terminated

(b) contain a legal description . . .

(c) reference the entry number and the book and page . . .

(d) if termination is the result of death...attached copy of death certificate or other document witnessing death.

Judgment Lien Title 78-22

Section 1. judgment as a lien upon Real Property.

Liens, Mechanics Title 38-1

Section *7. Notice of claim - Contents - Recording - Service on owner of property. (Shall file lien with Recorder.)

9. Notice imparted by record. (Index)

Title 38-10

Section 105. Notice of lien - Recording - Service on owner of interest - Failure to serve notice - Time of filing.

Liens, Wrongful Title 38-9

Section 3. County recorder may reject wrongful lien within scope of employment - Good faith requirement.

A county recorder may reject recording of a lien if the county recorder determines the lien is a wrongful lien as defined in Section 38-9-1.

A county recorder who . . . rejects or accepts a document . . . may not be liable for damages . . .

Master Form Deed of Trust Title 57-3

Section 201. Definitions

202. Recording Master Mortgage and Trust Deed - requirements for master form - indexing by county recorder.

Mines and Mining Claims Title 40-1

Notaries Title 46-1

Section 2. Definitions.

7. Disqualifications. (Cannot notarize if notary is signer or named in document.)

12. Fees and notice. (\$5.00 per signature.)

16. Official Signature - Official seal - Seal impression.

(2)(b) Each notarial seal obtained by a notary on or after July 1, 2003 shall use purple ink.

(6) A notary acknowledgment on an annexation, subdivision or other transparent map or plat is considered complete without the imprint of the notary's official seal if; etc.

(7) A notary acknowledgment on an electronic message or document is considered complete without the imprint of the notary's seal if: etc.

22. Notice not invalidated.

Notice of Trustee's Sale Title 57-1

Section 25. (1) (b)....posting notice....

(B) ...at the office of the County Recorder.

Official Oaths and Bound Title 52-1

Section 3. County, precinct and district officers - Where filed.

Partnership Title 48-1

Section 6. Partner agent of partnership as to partnership business.

7. Conveyance of real property of partnership.

Probate Title 75-5

Protection of Property of Persons Under Disability and Minors.

Section 421. Recording of conservator's letters.

Protection of Addresses Title 63-2-302.5

Blocking addresses of at risk employees.

Section (3)(a) A county recorder...may fully satisfy the requirements...by providing a method for the assessment roll and index and the tax roll and index that will block public access to the home address... (and) situs address...

Race to Record Title 57-3

Section 103. (1) & (2) Effect of failure to record. Each document not recorded in this title is void as against a subsequent...document first duly recorded.

Railroads Title 56-1

Section 10. Maps of final location to be filed.

Real Estate Law Title 57-1

Section 1. Definitions.

(1) "Certified copy"

See also Utah Rules of Evidence 902 (4).

(2) "Document"

(3) "Real property" or "real estate"

Recording Documents Title 57-3

Section 101. Certificate of acknowledgment, proof of execution, jurat, or other certificate required - Notarial acts affecting real property.

(Documents must be notarized.) See 57-4a-3 for exceptions

102. Record imparts notice - Change in interest rate - Validity of document - Notice of unnamed interests - Conveyance by grantee.

(Financing Statement whether or not acknowledged shall impact notice.)

104. (1) Certified copies entitled to record in another county - Effect. (2) Certified copy of a document may not be recorded in the office of the same county recorder in which it was issued.

105. Legal description of real property and names and addresses required in documents.

106. Original documents required - Captions - Legibility. *See also 69-1-2

(7)(a) A document which is of record in the office of the ...recorder...may not be recorded again in that same county...unless...(re-recording)

Title 57-4A

Section 1. Document recordable despite defects. (Prior to July 1, 1988)

2. Recorded document imparts notice of contents despite defects.

3. Document recordable without acknowledgment. (Exceptions)

4. Presumptions Good faith; competent; delivery; offices or agents acted in scope of authority; marital status stated.

Salaries Title 17-16

Section 14. Salaries of county officers.

Solar Easements Title 57-13

Section 2. Creation of solar easement - Writing required - Contents - Enforcement.

State Tax Commission Title 59-1

Section 210. General powers and duties.

(7) & (9). (Relationship of state tax commission to assessing and collecting.)

Subdivision Title 17-27

Counties

Section 103. Definitions - Notice

801 through 811. Subdivisions

806.5 Common area parcel on plat - no separate ownership

804(3)(b) &

808((8)(c) An owner of land may not submit for recording a plat that gives the subdivision described in the plat the same name as a subdivision in a plat already recorded in the county recorder's office.

Title 10-9

Cities

Section 103. Definitions

801 through 811. Subdivisions

806. Minor Subdivision. Lot line adjustments. Exemptions from plat requirements (10-9-806, 10-9-808(7))

806.5 Common area parcels on plat - no separate ownership

804(3)(b)&

808((8)(c) An owner of land may not submit for recording a plat that gives the subdivision described in the plat the same name as a subdivision in a plat already recorded in the county recorder's office.

(806) Exemption from plat requirements

Taxing Descriptions Title 59-2

Cities

Property Tax Act

Section 1335. Abbreviations permitted in proceedings. (Abbreviations in descriptions.)

Tax Sale Title 59-2-1343 through 1364

Tax Serial Number Title 17-21

Section 20 Recorder may require tax serial number

Transportable Factory Built Housing Units Title 59-2

Section *1503. Property tax treatment of transportable factory-built housing units.

Trusts Title 16-12

Real Estate Investment Trust Act

Section 4. A real estate investment trust shall have power to ... acquire title... or otherwise deal with real & personal property in its trust name.

Trustee 57-1

Section 21. Trustees of trust deeds - Qualifications.

The trustee of a trust deed shall be:

The trustee of a trust deeds may not be. . . :

22. Successor trustees - Appointment by beneficiary - Effect - Substitution of trustee - Recording - Form

Title 75-7

816(3) . Trustees of the trust cited in the deed of transfer...shall include:

- a) the name of the trustee;
- (b) the address of the trustee; and
- (c) the name and date of the trust

Utah Coordinate System Title 57-10

Water Title 73-1

Section 10. Conveyance of water rights - Deed - Exceptions - Filing and recordation of deed - Report of water right conveyance

- (c) A recorded deed of a water right from the time of it's recording in the office of the county recorder constitute notice of it's content to all persons.