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HOUSE BILL 1716

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State of Washington

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By Representatives Wood, Haugen, Ferguson, Cooper, Zellinsky, Miller, Franklin, Beck, Bray, Edmondson, Horn, Wynne, Rayburn, Nealey, Roland, Mitchell, Winsley and Paris.

Read first time February 6, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to county recording procedures; amending RCW  
2 36.18.010, 65.04.030, 65.04.040, and 65.04.050; adding a new section to  
3 chapter 36.18 RCW; and adding a new section to chapter 65.04 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.18 RCW  
6 to read as follows:

7 The definitions set forth in this section apply throughout this  
8 chapter unless the context clearly requires otherwise.

9 (1) "Recording officer" means the county auditor, or in charter  
10 counties the county official charged with the responsibility for  
11 recording instruments in the county records.

12 (2) "File," "filed," or "filing" means the act of delivering an  
13 instrument to the auditor or recording officer for recording into the  
14 official public records.

1 (3) "Record," "recorded," or "recording" means the process, such as  
2 electronic, mechanical, optical, magnetic, or microfilm storage used by  
3 the auditor or recording officer after filing to incorporate the  
4 instrument into the public records.

5 **Sec. 2.** RCW 36.18.010 and 1989 c 304 s 1 are each amended to read  
6 as follows:

7 County auditors or recording officers shall collect the following  
8 fees for their official services:

9 For recording instruments, for the first page, legal size (eight  
10 and one-half by (~~thirteen~~) fourteen inches or less), five dollars;  
11 for each additional legal size page, one dollar; the fee for recording  
12 multiple transactions contained in one instrument will be calculated  
13 individually for each transaction requiring separate indexing as  
14 required under RCW 65.04.050;

15 For preparing and certifying copies, for the first legal size page,  
16 three dollars; for each additional legal size page, one dollar;

17 For preparing noncertified copies, for each legal size page, one  
18 dollar;

19 For administering an oath or taking an affidavit, with or without  
20 seal, two dollars;

21 For issuing a marriage license, eight dollars, (this fee includes  
22 taking necessary affidavits, filing returns, indexing, and transmittal  
23 of a record of the marriage to the state registrar of vital statistics)  
24 plus an additional five-dollar fee for use and support of the  
25 prevention of child abuse and neglect activities to be transmitted  
26 monthly to the state treasurer and deposited in the state general fund,  
27 which five-dollar fee shall expire June 30, 1995, plus an additional  
28 ten-dollar fee to be transmitted monthly to the state treasurer and  
29 deposited in the state general fund. The legislature intends to

1 appropriate an amount at least equal to the revenue generated by this  
2 fee for the purposes of the displaced homemaker act, chapter 28B.04  
3 RCW;

4 For searching records per hour, eight dollars;

5 For recording plats, fifty cents for each lot except cemetery plats  
6 for which the charge shall be twenty-five cents per lot; also one  
7 dollar for each acknowledgment, dedication, and description: PROVIDED,  
8 That there shall be a minimum fee of twenty-five dollars per plat;

9 For recording of miscellaneous records, not listed above, for first  
10 legal size page, five dollars; for each additional legal size page, one  
11 dollar;

12 For modernization and improvement of the recording and indexing  
13 system, a surcharge as provided in RCW 36.22.170.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 65.04 RCW  
15 to read as follows:

16 The definitions set forth this section apply throughout this  
17 chapter unless the context clearly requires otherwise.

18 (1) "Recording officer" means the county auditor, or in charter  
19 counties the county official charged with the responsibility for  
20 recording instruments in the county records.

21 (2) "File," "filed," or "filing" means the act of delivering an  
22 instrument to the auditor or recording officer for recording into the  
23 official public records.

24 (3) "Record," "recorded," or "recording" means the process, such as  
25 electronic, mechanical, optical, magnetic, or microfilm storage used by  
26 the auditor or recording officer after filing to incorporate the  
27 instrument into the public records.

28 (4) "Record location number" means a unique number that identifies  
29 the storage location (book or volume and page, reel and frame,

1 instrument number, auditor or recording officer file number, receiving  
2 number, electronic retrieval code, or other specific place) of each  
3 instrument in the public records accessible in the same recording  
4 office where the instrument containing the reference to the location is  
5 found.

6 **Sec. 4.** RCW 65.04.030 and 1985 c 44 s 15 are each amended to read  
7 as follows:

8 ((He)) The auditor or recording officer must, upon the payment of  
9 ((his)) the fees as required in RCW 36.18.010 for the same, acknowledge  
10 receipt therefor in writing or printed form and record in large and  
11 well bound books, or by photographic or photomechanical or other  
12 approved process, the following:

13 (1) Deeds, grants and transfers of real property, mortgages and  
14 releases of mortgages of real estate, instruments or agreements  
15 relating to community or separate property, powers of attorney to  
16 convey real estate, and leases which have been acknowledged or proved:  
17 PROVIDED, That deeds, contracts and mortgages of real estate described  
18 by lot and block and addition or plat, shall not be filed or recorded  
19 until the plat of such addition has been filed and made a matter of  
20 record;

21 (2) Patents to lands and receivers' receipts, whether for mineral,  
22 timber, homestead or preemption claims or cash entries;

23 (3) All such other papers or writing as are required by law to be  
24 recorded and such as are required by law to be filed.

25 **Sec. 5.** RCW 65.04.040 and 1985 c 44 s 16 are each amended to read  
26 as follows:

27 Any state, county, or municipal officer charged with the duty of  
28 recording instruments in public records(~~(, may, in lieu of~~

1 ~~transcription,~~) shall record them by ~~((receiving))~~ record location  
2 number in the order filed, irrespective of the type of instrument,  
3 using a ~~((photographic or photomechanical))~~ process~~((, which produces~~  
4 ~~a clear, legible, and durable record and which))~~ that has been tested  
5 and approved for the intended purpose by the state archivist.

6 In addition, the county auditor or recording officer, in the  
7 exercise of ~~((his))~~ the duty of recording instruments in public  
8 records, may, in lieu of transcription, record all instruments,  
9 ~~((which))~~ that he or she is charged by law to record, ~~((except plats,))~~  
10 by any photographic, photostatic, microfilm, microcard, miniature  
11 photographic or other process ~~((which))~~ that actually reproduces or  
12 forms a durable medium for so reproducing the original, and which has  
13 been tested and approved for the intended purpose by the state  
14 archivist. If the county auditor~~((, in lieu of transcription,))~~ or  
15 recording officer records any instrument by a process ~~((herein~~  
16 ~~enumerated which produces a miniature copy of the original))~~ approved  
17 by the state archivist it shall not be necessary thereafter to make any  
18 notations or marginal notes, which are otherwise required by law,  
19 thereon~~((: PROVIDED, That))~~ if, in lieu of making said notations  
20 thereon, the auditor ~~((shall))~~ or recording officer immediately makes  
21 a note of such in ~~((both the direct and inverted indexes and other~~  
22 ~~appropriate indexes,))~~ the general index in the column headed  
23 "remarks,"~~((, opposite the appropriate entry))~~ listing the record  
24 number location of the instrument to which the current entry relates  
25 back.

26 Previously recorded or filed instruments may be processed and  
27 preserved by any means authorized under this section for the original  
28 recording of instruments. The county auditor or recording officer may  
29 provide ~~((in his office))~~ for the use of the public ~~((books)),~~ media  
30 containing reproductions of instruments and other materials that have

1 been recorded pursuant to the provisions of this section. The contents  
2 of ~~((such books))~~ the media may be arranged according to date of  
3 filing, irrespective of type of instrument, or in such other manner as  
4 the county auditor ~~((in his discretion shall))~~ or recording officer  
5 deems proper.

6 **Sec. 6.** RCW 65.04.050 and 1893 c 119 s 12 are each amended to read  
7 as follows:

8 Every auditor or recording officer must keep a general index,  
9 direct and inverted. The index may be either printed on paper or  
10 produced on microfilm or microfiche, or it can be created from a  
11 computerized data base and displayed on a video display terminal. Any  
12 reference to a prior record location number may be entered in the  
13 remarks column. Any property legal description contained in the  
14 instrument must be entered in the description of property column of the  
15 general index. The direct index shall be divided into seven columns,  
16 and with heads to the respective columns, as follows: ~~((Time))~~ Date of  
17 reception, grantor, grantee, nature of instrument, volume and page  
18 where recorded, remarks, description of property. ~~((He))~~ The auditor  
19 or recording officer shall correctly enter in such index every  
20 instrument concerning or affecting real estate which by law is required  
21 to be recorded, the names of grantors being in alphabetical order. The  
22 inverted index shall also be divided into seven columns, precisely  
23 similar, except that "grantee" shall occupy the second column and  
24 "grantor" the third, the names of grantees being ~~((in))~~ in  
25 alphabetical order. The auditor or recording officer may combine the  
26 direct and indirect indexes into a single index if it contains all the  
27 information required to be contained in the separate direct and  
28 indirect indexes and the names of all grantors and grantees can be  
29 found by a person searching the combined index. For the purposes of

1 this ~~((aet))~~ chapter, the term "grantor" ~~((shall be construed to))~~  
2 means any person conveying or encumbering the title to any property, or  
3 any person against whom any lis pendens, judgment, notice of lien,  
4 order of sale, execution, writ of attachment, or claims of separate or  
5 community property shall be placed on record. ~~((He shall also keep a~~  
6 ~~well bound book in which shall be platted all maps of towns, villages,~~  
7 ~~or additions to the same within the county, together with the~~  
8 ~~description, legend, acknowledgment or other writing thereon. He shall~~  
9 ~~keep an index to such books of plats, which shall contain the name of~~  
10 ~~the town, village or addition. He))~~ The auditor or recording officer  
11 shall also enter in the general index ~~((above referred to))~~, the name  
12 of the party or parties platting ~~((such))~~ a town, village, or addition  
13 in the column prescribed for "grantors" ~~((7))~~ describing the grantee in  
14 such case as "the public." ~~((: PROVIDED, That))~~ However, the auditor  
15 or recording officer shall not receive or record any such plat or map  
16 until ~~((the same shall have))~~ it has been approved by the mayor and  
17 common council of the municipality in which the property so platted  
18 ~~((be))~~ is situated, or if ~~((such))~~ the property be not situated within  
19 any municipal corporation, then ~~((such))~~ the plat must be first  
20 approved by the ~~((board of county commissioners of such))~~ county ~~((: PROVIDED FURTHER, That))~~  
21 legislative authority. The auditor or  
22 recording officer shall not receive for record any plat, map, or  
23 subdivision of land bearing a name the same or similar to the name of  
24 any map or plat already on record in ~~((his))~~ the office. The auditor  
25 or recording officer may establish a name reservation system to  
26 preclude the possibility of duplication of names.