

SENATE BILL REPORT

HB 2414

As Reported By Senate Committee On:
Government Operations, February 20, 1996

Title: An act relating to standardization of recorded documents.

Brief Description: Standardizing the recording of documents.

Sponsors: Representatives D. Schmidt, Chopp and L. Thomas.

Brief History:

Committee Activity: Government Operations: 2/14/96, 2/20/96 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: An historic function of the county auditor is the maintenance of a county recording office in which all documents affecting title to real property and various other documents may be recorded. The date and fact of recording are critical in determining ownership, priority of interests in and liens on real property.

Auditors are authorized to make charges for recording based on the dimensions and number of pages of the document presented. The statute currently references "legal size," which historically meant 8.5 by 14 inches. Most courts, however, have specified for many years that legal pleadings be on 8.5 by 11 inch paper, which creates an ambiguity about what is meant by "legal size".

Auditors are required to index all recorded instruments in a general index and, when appropriate, in grantor/grantee indices or other indices. The general index must include the date of filing, the name of the grantor, the name of the grantee, the nature of the instrument and other critical information specified in statute. There is no requirement that the general index include the auditor's file number or assessor's property tax parcel or account number.

When indexing recorded instruments, it is sometimes difficult to accurately determine the information which is required to be entered in an index. In multiple paged instruments, the needed information may be found on different pages. There is no requirement that the critical information be included or summarized on the face page.

Summary of Amended Bill: Basic county auditor recording charges are stated for instruments which are 8.5 by 14 inches in size. Standards are established for the size, layout and content of the face page of any instrument presented for recording. If the instrument

presented for recording does not contain the information required, a cover sheet must be prepared and submitted with the instrument. The form and content of the cover sheet are prescribed.

Entries in the auditor's general index must include the assessor's property tax parcel or account number, and may include the auditor's file number as an alternate to the recording book and page number.

It is clarified that the names and legal description in the recorded instrument, and not on any cover sheet, determine the legal chain of title.

Amended Bill Compared to Original Bill: The amended bill adds language which clarifies that the names and legal description in a recorded instrument, and not those on a cover sheet, determine the legal chain of title.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 1997.

Testimony For: This is needed to assure some uniformity so it is possible to locate the document in the future. It will also make the indexing process more accurate and efficient.

Testimony Against: Need to assure that the cover sheet does not have legal force.

Testified: Representative Dave Schmidt, prime sponsor; June Molcahy, Title Assn.; Leon Long, Adams County Auditor; Diana Bradford, Snohomish County Auditor.