
ASSEMBLY BILL NO. 414—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF COUNTY FISCAL OFFICERS ASSOCIATION)

MARCH 8, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning county recorders. (BDR 20-288)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to county recorders; increasing the fee charged by a county recorder for certifying a document; prohibiting the recording of certain documents that do not contain certain information; eliminating the requirement that a county recorder send a copy of an affidavit of death to the welfare division of the department of human resources; increasing that portion of the fee for a marriage license that is paid over to the county recorder; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 247.305 is hereby amended to read as follows:
2 247.305 1. If another statute specifies the fee to be charged for a
3 service, county recorders shall charge and collect only the fee specified.
4 Otherwise county recorders shall charge and collect the following fees:
5
6 For recording any document, for the first page.....\$7
7 For each additional page.....1
8 For recording each portion of a document which must be
9 separately indexed, after the first indexing3
10 For copying any record, for each page1
11 —For certifying, including certificate and seal ~~1, for the first seal 3~~
12 ~~For each additional seal.....1~~ 4
13 For a certified copy of a certificate of marriage.....7
14 For a certified abstract of a certificate of marriage .7

2. Except as otherwise provided in subsection 3, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

(a) The county in which his office is located.

(b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

(1) Conveys to the state, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the state or that city or town as beneficiary;

(3) Imposes a lien in favor of the state or that city or town; or

(4) Is a notice of the pendency of an action in eminent domain filed by the state pursuant to NRS 37.060.

3. A county recorder shall charge and collect the fees specified in this section for copying of any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

4. For purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

5. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record *with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, or* any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless ~~it contains~~ the *document being recorded contains*:

(a) *The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document;* and ~~the~~

(b) *The assessor's parcel number of the property [] at the top of the first page of the document,* if the county assessor has assigned a parcel number to the property. The county recorder is not required to verify that the assessor's parcel number is correct.

2. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

Sec. 3. NRS 111.365 is hereby amended to read as follows:

111.365 ~~[1-]~~ In the case of real property owned by two or more persons as joint tenants or as community property with right of survivorship, it is presumed that all title or interest in and to that real

1 property of each of one or more deceased joint tenants or the deceased
2 spouse has terminated, and vested solely in the surviving joint tenant or
3 spouse or vested jointly in the surviving joint tenants, if there has been
4 recorded in the office of the recorder of the county or counties in which the
5 real property is situate an affidavit, subscribed and sworn to by a person
6 who has knowledge of the facts required in this subsection, which sets
7 forth the following:

8 ~~[(a)]~~ 1. The family relationship, if any, of the affiant to each deceased
9 joint tenant or the deceased spouse;

10 ~~[(b)]~~ 2. A description of the instrument or conveyance by which the
11 joint tenancy or right of survivorship was created;

12 ~~[(c)]~~ 3. A description of the property subject to the joint tenancy or
13 right of survivorship; and

14 ~~[(d)]~~ 4. The date and place of death of each deceased joint tenant or
15 the deceased spouse.

16 ~~[(2.—The county recorder shall send a copy of the affidavit to the
17 welfare division of the department of human resources by certified mail,
18 return receipt requested, postage prepaid, within 3 days after the affidavit
19 is recorded.)]~~

20 **Sec. 4.** NRS 122.060 is hereby amended to read as follows:

21 122.060 1. The clerk is entitled to receive as his fee for issuing the
22 license the sum of \$13.

23 2. The clerk shall also at the time of issuing the license collect the sum
24 of ~~[(3)]~~ \$7 and pay it over to the county recorder as his fee for recording
25 the originally signed copy of the certificate of marriage described in NRS
26 122.120.

27 3. The clerk shall also at the time of issuing the license collect the
28 additional sum of \$4 for the State of Nevada. The fees collected for the
29 state must be paid over to the county treasurer by the county clerk on or
30 before the ~~[(5th)]~~ fifth day of each month for the preceding calendar month,
31 and must be placed to the credit of the state general fund. The county
32 treasurer shall remit quarterly all such fees deposited by the clerk to the
33 state treasurer for credit to the state general fund.

34 4. The clerk shall also at the time of issuing the license collect the
35 additional sum of \$15 for the account for aid for victims of domestic
36 violence in the state general fund. The fees collected for this purpose must
37 be paid over to the county treasurer by the county clerk on or before the
38 ~~[(5th)]~~ fifth day of each month for the preceding calendar month, and must
39 be placed to the credit of that account. The county treasurer shall, on or
40 before the 15th day of each month, remit those fees deposited by the clerk
41 to the state treasurer for credit to that account.