

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.

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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; revising the manner in which the county recorder provides the welfare division of the department of human resources with information contained in an affidavit of death; 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 ~~is~~ *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) The family relationship, if any, of the affiant to each deceased joint
9 tenant or the deceased spouse;

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

12 (c) A description of the property subject to the joint tenancy or right of
13 survivorship; and

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

16 2. ~~{The}~~ *Each month, a* county recorder shall send ~~{a copy of the~~
17 ~~affidavit}~~ *all the information contained in each affidavit received by him*
18 *pursuant to subsection 1 during the immediately preceding month* to the
19 welfare division of the department of human resources ~~{by certified mail,~~
20 ~~return receipt requested, postage prepaid, within 3 days after the affidavit~~
21 ~~is recorded.}~~ *in any format and by any medium approved by the welfare*
22 *division.*