

SENATE BILL NO. 369—SENATOR TOWNSEND

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the recording of declarations of homestead. (BDR 20-58)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to county recorders; authorizing a county recorder to conform the size of a declaration of homestead that does not meet certain formatting requirements for recording; eliminating the additional fee charged by a county recorder for recording such a declaration of homestead; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill allows a county recorder to conform the size of a
2 declaration of homestead that does not meet specific formatting requirements for
3 recording so that the declaration is suitable for recording by a method used by the
4 recorder to preserve his records. (NRS 247.120) **Section 2** of this bill eliminates the
5 additional fee of \$25 that a county recorder is required to charge and collect for
6 recording a homestead exemption that does not meet those specific formatting
7 requirements. (NRS 247.110, 247.305)

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

1 **Section 1.** NRS 247.120 is hereby amended to read as follows:
2 247.120 1. Except as otherwise provided in NRS 247.145,
3 each county recorder shall, upon the payment of the prescribed
4 statutory fees, record separately, in a manner which will allow a
5 legible copy to be made, the following specified documents:
6 (a) Deeds, grants, patents issued by the State of Nevada or by
7 the United States, transfers and mortgages of real estate, releases of



1 mortgages of real estate, powers of attorney to convey real estate,
2 and leases of real estate which have been acknowledged or proved.

3 (b) Certificates of marriage and marriage contracts.

4 (c) Wills admitted to probate.

5 (d) Official bonds.

6 (e) Notice of mechanics' liens.

7 (f) Transcripts of judgments which by law are made liens upon
8 real estate in this State and affidavits of renewal of those judgments.

9 (g) Notices of attachment upon real estate.

10 (h) Notices of the pendency of an action affecting real estate, the
11 title thereto or the possession thereof.

12 (i) Instruments describing or relating to the separate property of
13 married persons.

14 (j) Notice of preemption claims.

15 (k) Notices and certificates of location of mining claims.

16 (l) Affidavits of proof of annual labor on mining claims.

17 (m) Affidavits of intent to hold mining claims recorded pursuant
18 to subsection 3 of NRS 517.230.

19 (n) Certificates of sale.

20 (o) Judgments or decrees.

21 (p) Declarations of homesteads.

22 (q) Such other writings as are required or permitted by law to be
23 recorded.

24 2. Each of the documents named in paragraph (a) of subsection
25 1 may be recorded in separate books in the discretion of the county
26 recorder.

27 3. ~~{Before}~~ *Except as otherwise provided in this subsection,*
28 *before* accepting for recording any document enumerated in
29 subsection 1, the county recorder shall require a document suitable
30 for recording by a method used by the recorder to preserve his
31 records. *The county recorder may conform the size of a*
32 *declaration of homestead that does not meet the formatting*
33 *requirements set forth in subsection 3 of NRS 247.110 so that the*
34 *declaration is suitable for recording by a method used by the*
35 *recorder to preserve his records.* If any rights may be adversely
36 affected because of a delay in recording caused by this requirement,
37 the county recorder shall accept the document conditionally subject
38 to submission of a suitable document at a later date. Before
39 accepting a document conditionally, the recorder shall require the
40 person who requests the recording to sign a statement that the
41 person has been advised of the requirements described in this
42 subsection and record the statement with the document.

43 **Sec. 2.** NRS 247.305 is hereby amended to read as follows:

44 247.305 1. If another statute specifies the fee to be charged
45 for a service, county recorders shall charge and collect only the fee



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specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

For recording any document, for the first page.....	\$10
For each additional page	1
For recording each portion of a document which must be separately indexed, after the first indexing	3
For copying any record, for each page.....	1
For certifying, including certificate and seal.....	4
For a certified copy of a certificate of marriage.....	10
For a certified abstract of a certificate of marriage	10

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional



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1 fee authorized by this subsection for recording a *declaration of*
2 *homestead that does not meet the formatting requirements set*
3 *forth in subsection 3 of NRS 247.110 or a* document that is exempt
4 from the provisions of subsection 3 of NRS 247.110.

5 5. Except as otherwise provided in subsection 6, a county
6 recorder shall not charge or collect any fees for any of the services
7 specified in this section when rendered by him to:

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

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

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

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

15 (3) Imposes a lien in favor of the State or that city or town;
16 or

17 (4) Is a notice of the pendency of an action by the State or
18 that city or town.

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

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

27 8. Except as otherwise provided in subsection 2 or 3 or by an
28 ordinance adopted pursuant to the provisions of NRS 244.207,
29 county recorders shall, on or before the fifth working day of each
30 month, account for and pay to the county treasurer all such fees
31 collected during the preceding month.

32 **Sec. 3.** NRS 247.410 is hereby amended to read as follows:

33 247.410 A county recorder is liable to a party aggrieved for
34 three times the amount of the damages that may be occasioned
35 thereby if the county recorder:

36 1. Neglects or refuses to record a document that is authorized,
37 entitled or required by law to be recorded within a reasonable time
38 after receiving the document;

39 2. Records a document willfully or negligently, untruly or in
40 any other manner than is directed in this chapter;

41 3. Neglects or refuses to maintain in his office such indexes as
42 are required by this chapter, or to make the proper entries therein; or



- 1 4. ~~[Alters,]~~ *Except as otherwise provided in subsection 3 of*
- 2 *NRS 247.120, alters,* changes or obliterates any record or any filed
- 3 document deposited in his office, or inserts any new matter therein.

