

SENATE BILL NO. 369—SENATOR TOWNSEND

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the recording of certain documents. (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; revising provisions governing the additional fee charged by a county recorder for recording certain documents that do not meet those formatting requirements; 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) Existing law requires a county
5 recorder to charge and collect, in addition to any fee the recorder is otherwise
6 authorized to charge and collect, a fee of \$25 for recording certain documents that
7 do not meet those specific formatting requirements. (NRS 247.110, 247.305)
8 **Section 2** of this bill makes the imposition of the additional fee optional instead of
9 mandatory. **Section 2** also makes \$25 the maximum amount that may be imposed
10 for such a fee, thereby allowing county recorders to charge a lower amount.

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



1 statutory fees, record separately, in a manner which will allow a
2 legible copy to be made, the following specified documents:

3 (a) Deeds, grants, patents issued by the State of Nevada or by
4 the United States, transfers and mortgages of real estate, releases of
5 mortgages of real estate, powers of attorney to convey real estate,
6 and leases of real estate which have been acknowledged or proved.

7 (b) Certificates of marriage and marriage contracts.

8 (c) Wills admitted to probate.

9 (d) Official bonds.

10 (e) Notice of mechanics' liens.

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

13 (g) Notices of attachment upon real estate.

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

16 (i) Instruments describing or relating to the separate property of
17 married persons.

18 (j) Notice of preemption claims.

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

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

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

23 (n) Certificates of sale.

24 (o) Judgments or decrees.

25 (p) Declarations of homesteads.

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

28 2. Each of the documents named in paragraph (a) of subsection
29 1 may be recorded in separate books in the discretion of the county
30 recorder.

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



1 person has been advised of the requirements described in this
2 subsection and record the statement with the document.

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

4 247.305 1. If another statute specifies the fee to be charged
5 for a service, county recorders shall charge and collect only the fee
6 specified. Otherwise, unless prohibited by NRS 375.060, county
7 recorders shall charge and collect the following fees:

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9	For recording any document, for the first page..... \$10
10	For each additional page 1
11	For recording each portion of a document which must
12	be separately indexed, after the first indexing 3
13	For copying any record, for each page..... 1
14	For certifying, including certificate and seal..... 4
15	For a certified copy of a certificate of marriage..... 10
16	For a certified abstract of a certificate of marriage 10
17	

18 2. Except as otherwise provided in this subsection and NRS
19 375.060, a county recorder may charge and collect, in addition to
20 any fee that a county recorder is otherwise authorized to charge and
21 collect, an additional fee not to exceed \$3 for recording a document,
22 instrument, paper, notice, deed, conveyance, map, chart, survey or
23 any other writing. A county recorder may not charge the additional
24 fee authorized in this subsection for recording the originally signed
25 copy of a certificate of marriage described in NRS 122.120. On or
26 before the fifth day of each month, the county recorder shall pay the
27 amount of fees collected by him pursuant to this subsection to the
28 county treasurer for credit to the account established pursuant to
29 NRS 247.306.

30 3. Except as otherwise provided in this subsection and NRS
31 375.060, a county recorder shall charge and collect, in addition to
32 any fee that a county recorder is otherwise authorized to charge and
33 collect, an additional fee of \$1 for recording a document,
34 instrument, paper, notice, deed, conveyance, map, chart, survey or
35 any other writing. A county recorder shall not charge the additional
36 fee authorized in this subsection for recording the originally signed
37 copy of a certificate of marriage described in NRS 122.120. On or
38 before the fifth day of each month, the county recorder shall pay the
39 amount of fees collected by him pursuant to this subsection to
40 the county treasurer. On or before the 15th day of each month, the
41 county treasurer shall remit the money received by him pursuant
42 to this subsection to the State Treasurer for credit to the Account to
43 Assist Persons Formerly in Foster Care established pursuant to
44 NRS 432.017.



4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder ~~shall~~ *may* charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee ~~of~~ *not to exceed* \$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 fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, 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 by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying 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.

7. For the 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.

8. Except as otherwise provided in subsection 2 or 3 or 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. 3. NRS 247.410 is hereby amended to read as follows:

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

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

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



- 1 3. Neglects or refuses to maintain in his office such indexes as
- 2 are required by this chapter, or to make the proper entries therein; or
- 3 4. ~~{Alters,}~~ *Except as otherwise provided in subsection 3 of*
- 4 *NRS 247.120, alters,* changes or obliterates any record or any filed
- 5 document deposited in his office, or inserts any new matter therein.

