

Amendment No. 494

Senate Amendment to Senate Bill No. 369

(BDR 20-58)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

SJA/EGO



Date: 4/16/2007

S.B. No. 369—Revises provisions concerning the recording of declarations of homestead. (BDR 20-58)



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,~~ **certain documents.** (BDR 20-58)

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

~

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~~ **revising provisions governing** the additional fee charged by a county recorder for recording ~~such a declaration of homestead;~~ **certain documents that do not meet those formatting requirements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill allows a county recorder to conform the size of a declaration of homestead that does not meet specific formatting requirements for recording so that the declaration is suitable for recording by a method used by the recorder to preserve his records. (NRS 247.120) ~~Section 2 of this bill eliminates the additional fee of \$25 that a county recorder is required~~ **Existing law requires a county recorder to charge and collect , in addition to any fee the recorder is otherwise authorized to charge and collect, a fee of \$25 for recording a homestead exemption certain documents that do not meet those specific formatting requirements. (NRS 247.110, 247.305) Section 2 of this bill makes the imposition of the additional fee optional instead of mandatory. Section 2 also makes \$25 the maximum amount that may be imposed 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:

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

1 powers of attorney to convey real estate, and leases of real estate which have been
2 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 real estate in
8 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 title thereto or
11 the possession thereof.

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

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

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

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

39 247.305 1. If another statute specifies the fee to be charged for a service,
40 county recorders shall charge and collect only the fee specified. Otherwise, unless
41 prohibited by NRS 375.060, county recorders shall charge and collect the following
42 fees:

43	
44	For recording any document, for the first page\$10
45	For each additional page1
46	For recording each portion of a document which must be
47	separately indexed, after the first indexing3
48	For copying any record, for each page1
49	For certifying, including certificate and seal4
50	For a certified copy of a certificate of marriage10
51	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~~ **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~~ \$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 ~~declaration of homestead that does not meet the formatting requirements set forth in subsection 3 of NRS 247.110 or 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

1 before the fifth working day of each month, account for and pay to the county
2 treasurer all such fees collected during the preceding month.

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

4 247.410 A county recorder is liable to a party aggrieved for three times the
5 amount of the damages that may be occasioned thereby if the county recorder:

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

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

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

13 4. ~~{Alters,}~~ *Except as otherwise provided in subsection 3 of NRS 247.120,*
14 *alters,* changes or obliterates any record or any filed document deposited in his
15 office, or inserts any new matter therein.