

17-21-20. Recording required -- Recorder may impose requirements on documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents -- Recorder may require tax serial number -- Exceptions.

- (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument required by law to be filed in the office of the county recorder shall be recorded unless otherwise provided.
- (2) (a) Each document executed on or after July 1, 2007 that is submitted for recording to a county recorder's office shall:
 - (i) unless otherwise provided by law, be an original or certified copy of the document;
 - (ii) be in English or be accompanied by an accurate English translation of the document;
 - (iii) contain a brief title, heading, or caption on the first page stating the nature of the document;
 - (iv) contain the legal description of the property that is the subject of the document;
 - (v) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1) and (2);
 - (vi) be notarized with the notary stamp with the seal legible; and
 - (vii) have original signatures.
- (b) Each deed conveying title to land executed on or after July 1, 2009 that is submitted for recording to a county recorder's office shall:
 - (i) have a Water Rights Addendum to Land Deeds form attached to the deed;
 - (ii) the Water Rights Addendum to Land Deeds shall be in the form set forth in Subsection (6); and
 - (iii) the Water Rights Addendum to Land Deeds shall be completed and signed by the grantor(s) and grantee(s).
- (c) Each deed conveying title to water rights without conveying title to land executed on or after July 1, 2009 that is submitted for recording to a county recorder's office shall:
 - (i) have a Water Rights Addendum to Water Deeds form attached to the deed;
 - (ii) the Water Rights Addendum to Water Deeds shall be in the form set forth in Subsection (7); and
 - (iii) the Water Rights Addendum to Water Deeds shall be completed and signed by the grantor(s) and grantee(s).
- (3) (a) Beginning September 1, 2007, a county recorder may require that each paper, notice, and instrument submitted for recording in the county recorder's office:
 - (i) be on white paper that is 8-1/2 inches by 11 inches in size;
 - (ii) have a margin of one inch on the left and right sides and at the bottom of each page;
 - (iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner of the first page and a margin of one inch at the top of each succeeding page;
 - (iv) not be on sheets of paper that are continuously bound together at the side, top, or bottom;
 - (v) not contain printed material on more than one side of each page;
 - (vi) be printed in black ink and not have text smaller than seven lines of text per vertical inch; and
 - (vii) be sufficiently legible to make certified copies.

- (b) A county recorder who intends to establish requirements under Subsection (3)(a) shall first:
 - (i) provide formal notice of the requirements; and
 - (ii) establish and publish an effective date for the requirements that is at least three months after the formal notice under Subsection (3)(b)(i).
- (c) If a county recorder establishes requirements under this Subsection (3), the county recorder may charge and collect from persons who submit a document for recording that does not comply with the requirements, in addition to any other fee that the county recorder is authorized to charge and collect, a fee that:
 - (i) is calculated to recover the additional cost of handling and recording noncomplying documents; and
 - (ii) may not exceed \$2 per page.
- (4) (a) To facilitate the abstracting of an instrument, a county recorder may require that the applicable tax serial number of each parcel affected by the instrument appear on each instrument before it may be accepted for recording.
- (b) If a county recorder requires the applicable tax serial number to be on an instrument before it may be recorded:
 - (i) the county recorder shall post a notice of that requirement in a conspicuous place at the recorder's office;
 - (ii) the tax serial number may not be considered to be part of the legal description and may be indicated on the margin of the instrument; and
 - (iii) an error in the tax serial number does not affect the validity of the instrument or effectiveness of the recording.
- (5) (a) Subsections (2), (3), and (4) do not apply to:
 - (i) a map;
 - (ii) a certificate or affidavit of death;
 - (iii) a military discharge;
 - (iv) a document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury;
 - (v) a document submitted for recording that has been filed with a court and conforms to the formatting requirements established by the court; or
 - (vi) a document submitted for recording that is in a form required by law.
- (b) Subsections (2)(a)(iii), (iv), and (vi), (3)(a)(ii) through (vi), and (4) do not apply to the Water Rights Addendum forms referenced in Subsections (2)(a) and (b) so long as the forms are those set forth in Subsections (6) and (7) and are properly completed and attached to the land or water deed being recorded.
- (6) The following form shall be attached to each deed conveying title to land, and when attached, is incorporated into and becomes a part of the deed.

(The Water Rights Addendum to Land Deeds form is set forth here.)

- (6) The following form shall be attached to each deed conveying title to a water right without conveying title to land, and when attached, is incorporated into and becomes a part of the deed.

(The Water Rights Addendum to Water Deeds form is set forth here.)