

## Office Policy for eRecording

Effective October 29, 2014, St. Joseph County Register of Deeds office began accepting documents via eRecording.

This office has made the decision to only accept documents for recording via the following methods:

Over the counter (walk in)

Mail

Delivery (UPS, FEDex)

eRecording

There are specific guidelines that we will follow regarding eRecording. We will follow the UETA. (Uniform Electronic Transactions Act ) and the PRIA (Property Records Industry Association) eRecording Best Practices for Recorders, which is nationwide as of May 28, 2015.

- 1. Memorandum of Understanding.** The Recorder shall execute Memorandums of Understanding (MOUs), contracts, or agreements with each eRecording vendor that serves the recording jurisdiction, not with each end-user submitter.
- 2. Recording Fees.** The Recorder shall accept fees electronically for service in the eRecording environment with Automated Clearinghouse (ACH) payments.
- 3. Document Types.** The Recorder shall accept all real estate-related document types for eRecording. (as of October 12, 2015)
- 4. Process.** The eRecording process shall be as simple as paper recording. *Shall be recorded as received.*
- 5. Index.** The Recorder is responsible for recording the document and creating the index.
- 6. Images.** Images shall be submitted in a standardized format taking into consideration preservation needs. Scanned documents should be clean,

without artifacts/lines, and must accurately represent the original documents.

**7. Vendors.** The Recorder shall work with multiple eRecording vendors. St. Joseph County's vendors are:

- Simplifile
- ePn eRecording Partners Network
- CSC/ingeo Corporation Service Company

**8. Voiding Documents.** The Recorder shall not void or remove documents after recording, unless directed to do so by a court order.

**9. Submission Limitations.** The Recorder may choose to limit the number of documents submitted in a single package or batch to no more than 10 documents totaling no more than 200 pages.

**10. Duplicate Recordings.** Procedures and systems should be in place to prevent duplicate recording of a document.

**11. Electronic Signatures and Notarization.** Recording jurisdictions shall accept electronically signed and notarized documents.



May 28, 2015

**For Immediate Release**

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**PRIA Announces Approval of eRecording Best Practices**

MORRISVILLE, N.C. – The Board of Directors of the Property Records Industry Association (PRIA) has given final approval to the eRecording Best Practices for Recorders paper produced by the eRecording eXcellence Work Group, under the auspices of the Business Processes and Procedures Committee.

eRecording has been steadily advancing throughout the United States since first being utilized in 1998. The trail blazing recorders, end-user submitters, eRecording vendors and Land Records Management System (LRMS) vendors have tested out multiple approaches and strategies over the years. Due to the wider adoption of and greater reliance upon eRecording, PRIA is repeatedly asked for the best practices and norms for eRecording processes. This paper sets forth the consensus that has been reached on 11 eRecording Best Practices for Recorders.

1. **Memorandum of Understanding.** The Recorder should execute Memorandums of Understanding (MOUs), contracts, or agreements with each eRecording vendor that serves the recording jurisdiction, not with each end-user submitter.
2. **Recording Fees.** The Recorder should accept fees electronically for service in the eRecording environment with Automated Clearinghouse (ACH) payments.
3. **Document Types.** The Recorder should accept all real estate-related document types for eRecording.

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PRIA is recognized as the leading resource for the property records industry.

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4. **Process.** The eRecording process should be as simple as paper recording.
5. **Index.** The Recorder is responsible for recording the document and creating the index.
6. **Images.** Images should be submitted in a standardized format taking into consideration preservation needs. Scanned documents should be clean, without artifacts/lines, and must accurately represent the original documents.
7. **Vendors.** The Recorder should work with multiple eRecording vendors.
8. **Voiding Documents.** The Recorder should not void or remove documents after recording, unless directed to do so by a court order.
9. **Submission Limitations.** The Recorder may choose to limit the number of documents submitted in a single package or batch to no more than 10 documents totaling no more than 200 pages.
10. **Duplicate Recordings.** Procedures and systems should be in place to prevent duplicate recording of a document.
11. **Electronic Signatures and Notarization.** Recording jurisdictions should accept electronically signed and notarized documents.

According to PRIA President Mark Ladd, vice president of regulatory and industry affairs for Simplifile, LC, "Electronic recording (eRecording), the process of submitting electronic documents to a land records office which receives and examines those documents, calculates fees and receives electronic payment for those documents, as well as the subsequent electronic return of the recorded documents to the submitter, has now been adopted by more than 33 percent of the country's recording jurisdictions. The time was ripe for PRIA to set forth the guidelines for practice area excellence."

Jerry Lewallen, president of eRecording Partners Network, and co-chair of the eRecording eXcellence Work Group, explains, "As eRecording continues to gain traction with recording jurisdictions around the country, establishing a set of best practices was imperative for defining an efficient and uniform process for both recorders and submitters, while taking into account the differences in local laws and administrative rules."

According to Chris Walker, clerk, Jackson County, Ore., and government sector co-chair of the eRecording eXcellence Work Group, "This document is the culmination of more than a year of drafts and rewrites that involved over 100 people that worked on these best practices during PRIA conferences and on bi-weekly conference calls."

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The Property Records Industry Association (PRIA) develops and promotes national standards and best practices for the property records industry. PRIA is a coalition of government and business partners collaborating to formulate positions on issues of common interest. PRIA strives to identify areas of consensus within the industry, leading to recommendations for national standards pertaining to recordable documents. For more information on PRIA, visit [www.pria.us](http://www.pria.us).

# Uniform Law Commission

## The National Conference of Commissioners on Uniform State Laws

### Legislative Fact Sheet - Electronic Transactions Act

Act	Electronic Transactions Act
Origin	Completed by the Uniform Law Commissioners in 1999.
Description	UETA establishes the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures, removing barriers to electronic commerce.
Endorsements	(Approved by the American Bar Association)  (Supported by the American Council of Life Insurance, Equipment Leasing Association of America)
Enactments	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, U.S. Virgin Islands, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming
2015 Introductions	
Staff Liaison(s)	Garrett Heilman



# Uniform Law Commission

The National Conference of Commissioners on Uniform State Laws



Contact Us: **312.450.6600**

## Why States Should Adopt UETA

The **Uniform Electronic Transactions Act (UETA)** allows the use of electronic records and electronic signatures in any transaction, except transactions subject to the Uniform Commercial Code. The fundamental purpose of this act is to remove perceived barriers to electronic commerce.

The UETA is a procedural statute. It does not mandate either electronic signatures or records, but provides a means to effectuate transactions when they are used. The primary objective is to establish the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures.

There are many reasons why every state should adopt the **Uniform Electronic Transactions Act**.

- UETA defines and validates electronic signatures. An electronic signature is defined as "an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record."
- UETA removes writing and signature requirements which create barriers to electronic transactions.
- UETA insures that contracts and transactions are not denied enforcement because electronic media are used.
- UETA insures that courts accept electronic records into evidence.
- UETA protects against errors by providing appropriate standards for the use of technology to assure party identification.
- UETA avoids having the selection of medium (paper vs. electronic) govern the outcome of any disputes or disagreements, and it assures that parties have the freedom to select the media for their transactions by agreement.
- UETA authorizes state governmental entities to create, communicate, receive and store records electronically, and encourages state governmental entities to move to electronic media.

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