

HOUSE BILL NO. 338

INTRODUCED BY J. ESP

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STANDARDS AND FEES FOR DOCUMENTS SUBMITTED TO COUNTY CLERKS FOR RECORDING; AND AMENDING SECTIONS 7-4-2636 AND 7-4-2637, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-4-2636, MCA, is amended to read:

"7-4-2636. Standards for recorded documents -- exemptions. (1) Unless accompanied by the appropriate fee required in 7-4-2637, a document submitted for recording that conveys an interest in real property must:

(a) be legibly printed or typed in blue or black ink in at least 10-point typeface on white WHITE paper of not less than 20-pound weight, each page of which must be separated and have dimensions of that is either 8 1/2 x 11 inches or 8 1/2 x 14 inches in size;

(b) ~~provide the names of the parties to the conveyance on the first or second page of any document with more than one page;~~ PROVIDE THE NAMES OF THE PARTIES TO THE CONVEYANCE ON THE FIRST OR SECOND PAGE OF ANY DOCUMENT WITH MORE THAN ONE PAGE;

~~(c)(C)~~ provide a description of the property if the document conveys an interest in real property;

~~(d)(e)(D)~~ have all signatures, initials, dates, or handwriting, or notary stamps in blue or black ink;

~~(e)(d)(E)~~ except as provided in subsection (1)(f) and except for page numbers or other designations, EXCEPT AS PROVIDED IN SUBSECTION (1)(F) AND EXCEPT FOR PAGE NUMBERS, INITIALS, OR OTHER DESIGNATIONS, have margins that are clear of all markings in the following dimensions:

(i) at least 3 inches at the top of the first page and at least 1 inch at the top of the second and any subsequent pages;

(ii) at least 1 inch on the bottom of each page; and

(iii) at least 1/2 inch on the sides of each page; ~~and;~~ AND

~~(f) include the name and mailing address of the person to whom the document is to be returned in the margin in the upper left-hand corner of the first page within the 3-inch top margin and between the 1/2-inch side~~

1 margins of each document submitted and may include legibly printed or typed transactional information

2 (F) INCLUDE THE NAME AND MAILING ADDRESS OF THE PERSON TO WHOM THE DOCUMENT IS TO BE RETURNED
 3 IN THE UPPER LEFT-HAND CORNER OF THE FIRST PAGE BETWEEN THE 1/2-INCH SIDE MARGINS OF EACH DOCUMENT
 4 SUBMITTED AND MAY INCLUDE LEGIBLY PRINTED OR TYPED TRANSACTIONAL INFORMATION.

5 (2) ~~Unless accompanied by the fee required in 7-4-2637, all other documents submitted for recording~~
 6 ~~must meet the requirements of subsections (1)(a), (1)(e), and (1)(f).~~

7 ~~(3)~~ (a) Except as provided in subsection ~~(3)(b)~~ (2)(b), only documents submitted for recording and filing
 8 that conform to the provisions of ~~subsection (1) or (2)~~ this section are considered standard documents for the
 9 purposes of 7-4-2637.

10 (b) Documents that are acknowledged as having been executed prior to April 28, 2007, must be
 11 accepted for recording and considered standard documents, regardless of whether they conform to the provisions
 12 of ~~subsection (1) or (2)~~ this section.

13 ~~(4)(3)~~ (a) An acknowledgment by a notary is exempt from the color, ~~typeface~~, and margin font
 14 requirements of this section. Page numbers, the name and mailing address of the person to whom the document
 15 is to be returned, and other administrative information or designations may appear in the margins.

16 (b) An officially certified court or other government document, whether from an in-state or out-of-state
 17 office, is exempt from the provisions of this section."

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19 **Section 2.** Section 7-4-2637, MCA, is amended to read:

20 **"7-4-2637. Fees for recording standard documents.** (1) Except as provided in 7-4-2631 and
 21 ~~subsection (2) of this section~~, the fee for recording a standard document that meets the requirements of 7-4-2636
 22 is \$7 for each page or fraction of a page.

23 (2) The fee for recording a document that does not meet the requirements of 7-4-2636 is ~~\$11 for each~~
 24 ~~page or fraction of a page for the first five pages or fractions of the pages and \$7 for each subsequent page~~ the
 25 fee specified in subsection (1) plus \$10.

26 (3) (a) Of the fees collected under subsection (1):

27 (i) \$1 must be deposited in the records preservation fund, provided for in 7-4-2635;

28 (ii) 25 cents must be deposited in the county land information account provided for in 7-6-2230;

29 (iii) 75 cents must be transmitted each month to the department of revenue in the manner prescribed by
 30 the department of revenue for deposit in the Montana land information account created in 90-1-409; and

1 (iv) the remainder must be deposited as provided for in 7-4-2511.

2 (b) ~~Of the~~ The fees collected under subsection (2) for nonstandard documents, each \$7 amount for a
3 page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each \$11
4 charge for a page or fraction of a page must be deposited in the records preservation fund; provided for in
5 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from an \$11 charge for a page or a fraction of a
6 page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve
7 documents."

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