

2012 -- S 2495

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LC01188  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PROPERTY

Introduced By: Senators Crowley, Nesselbush, DeVall, Miller, and Doyle

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 34-13-1 of the General Laws in Chapter 34-13 entitled "Recording  
2 Of Instruments" is hereby amended to read as follows:

3           **34-13-1. Instruments eligible for recording.** – (a) Any of the following instruments  
4 shall be recorded or filed by the town clerk or recorder of deeds, in the manner prescribed by law,  
5 on request of any person and on payment of the lawful fees therefor:

6           (1) Letters of attorney.

7           (2) All contracts for sale of land.

8           (3) Bonds for title or covenants or powers concerning lands, tenements and  
9 hereditaments.

10          (4) All notices to be filed under the provisions of section 9-4-9.

11          (5) All notices and process to be filed under other statutory provisions, and all decrees in  
12 equity and judgments at law affecting the title to land.

13          (6) All instruments evidencing or relating to a security interest in personal property or  
14 fixtures that may be filed pursuant to chapter 9 of title 6A.

15          (7) All instruments required by statute to be recorded, including deeds, mortgages and  
16 transfers and discharges thereof, leases or memoranda thereof, and transfers and cancellations  
17 thereof, and the covenants, conditions, agreements and powers therein contained.

18          (8) Instruments of defeasance.

19          (9) Instruments (excepting wills) creating trusts.

1 (10) All instruments and notices, affecting, or purporting to affect, the title to land or any  
2 interest therein or giving or terminating the right to sever any building or part thereof or fixture,  
3 when signed and acknowledged as required for deeds.

4 (11) All affidavits as to family facts, including dates of birth, marriage, and death, which  
5 relate or purport to relate to title to land.

6 (12) All affidavits as to bounds and monuments of land.

7 (13) All certificates of the secretary of state as to change of corporate name.

8 (14) All original linen and/or original mylar maps, plats, surveys, and drawings, whether  
9 or not attached to, or a part of, another recordable instrument, Provided, however, That those  
10 requiring the approval of any council; commission, officer, or other body by law shall not be  
11 recorded without such approval.

12 All survey plans received for recording shall be drawn on archival mylar or linen, those  
13 of which shall not exceed a size of 24" x 36" and shall be recorded as originally drafted. Said  
14 plans shall contain as a minimum all items set forth in the "Procedural and Technical Standards  
15 for the practice of Land Surveying in the State of Rhode Island and Providence Plantations" as  
16 adopted by the Rhode Island Board of Registration of Professional Land Surveyors effective  
17 April 1, 1994 and any amendments or modifications thereof. Further, all plans must be able to be  
18 reproduced so that the contents of said plans are legible.

19 Indexes of survey plans shall be maintained indicating (a) the title of the plan; and (b)  
20 the street(s) or road(s) on which the subject property abuts. Such plans shall include a separate  
21 listing, in or attached to the legend on the plan, of all streets and roads on which the subject  
22 property abuts.

23 (15) All declarations of restrictions and covenants in connection with a plat of record or  
24 to be recorded or with a tract or parcel of land which is to be subdivided.

25 (16) Statements of covenants, conditions, and powers of sale which are intended to be  
26 incorporated in mortgages by reference.

27 (b) All instruments which are to be recorded other than those documents specified in  
28 subdivision (a)(14) of this section shall meet the following requirements:

29 (1) Be on white paper of sufficient weight to reproduce in registry scanners.

30 (2) All document pages and attachments must be on paper that is no larger than 8.5  
31 inches by 14 inches.

32 (3) Printing shall be on one side only; double sided pages will not be accepted.

33 (4) Documents that contain printing, writing or other markings must be sufficiently dark  
34 in appearance to be legibly reproduced on standard registry scanners.

1           (5) All printing and writing on a document must be of sufficient size to be legibly  
2 reproduced on standard registry scanners.

3           (6) Margins on all sides of all document pages must be of sufficient size to be legibly on  
4 standard registry scanners.

5           (7) The first page of all documents must contain a “recording information area” in the  
6 upper right hand corner measuring three (3) inches from the top edge of the document and three  
7 (3) inches from the right edge of the document that is free from all writing or printing.

8           (c) Documents that do not comply with formatting standard in subdivision (7) above may  
9 still be recorded attached to an official registry document cover sheet or through the use of some  
10 other method by the registry. Provided, however, that in the event a document which does not  
11 meet the above prescribed standards is presented for recording, then and in that event, the  
12 registrar of deeds shall accept the document for recording but shall be authorized to assess a  
13 surcharge over and above the statutory fee, for accepting a document for recording that does not  
14 meet the standards set forth above.

15           SECTION 2. This act shall take effect on January 1, 2013.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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1           This act would allow registrars of deeds to prescribe formatting standards and to preserve  
2 recorded documents. It would also require that all documents printed other than survey plans shall  
3 be on white paper no larger than legal size and be typewritten in black.

4           This act would take effect on January 1, 2013.

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