

No. 38. An act relating to town clerk recording fees and town restoration and preservation reserve funds.

(H.526)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Town Clerk Fees, Town Fee Report, and Restoration Funds * * *

Sec. 1. 32 V.S.A. § 611 is amended to read:

§ 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

* * *

(d) The report shall contain:

(1) an account of the amounts retained and spent from each town's

Restoration and Preservation Reserve Fund in the three prior fiscal years; and

(2) a summary of each town's plan to digitize records using funds

appropriated from the town's Restoration and Preservation Reserve Fund.

(e) A fee request shall contain any proposal to:

* * *

Sec. 2. 32 V.S.A. § 1671 is amended to read:

§ 1671. TOWN CLERK

(a) For the purposes of this section, a "page" is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7½ inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least ~~eight point~~ eight-point type. Unless otherwise provided by law, the fees to town clerks shall be as follows:

(1) For recording a trust mortgage deed as provided in 24 V.S.A.

§ 1155, ~~\$10.00~~ \$15.00 per page;

(2) For filing or recording a copy of a complaint to foreclose a mortgage

as provided in 12 V.S.A. § 4523(b), ~~\$10.00~~ \$15.00 per page;

* * *

(4) For examination of records by others a fee of ~~\$2.00~~ \$4.00 per hour

may be charged;

* * *

(6) For the recording or filing, or both, of any document that is to

become a matter of public record in the town clerk's office, ~~or a fee of \$15.00~~

per page shall be charged; for any certified copy of such document, a fee of

\$10.00 per page shall be charged; ~~except that~~ for the recording or filing, or

both, of a property transfer return, a fee of ~~\$10.00~~ \$15.00 shall be charged;

* * *

(8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee

of ~~\$15.00~~ \$25.00 per 11 inch by 17 inch sheet, ~~\$15.00~~ \$25.00 per 18 inch by

24 inch sheet, and ~~\$15.00~~ \$25.00 per 24 inch by 36 inch sheet shall be charged.

* * *

(c)(1) The legislative body ~~may~~ shall create a Restoration and Preservation

Reserve Fund of ~~no less than \$0.50 per page and no more than \$1.00 per page~~

not less than \$4.00 per page from the per page recording fees established under

~~subdivisions (a)(1) and (6) of this section.~~

(2) The Restoration and Preservation Reserve Fund shall be used solely for restoration, preservation, digitization, storage, and conservation of municipal records. If a municipality has previously established the Fund, no additional action will be required.

(3) Notwithstanding subdivision (1) of this subsection, a municipality may allocate less than \$4.00 per page from recording fees if the clerk of the municipality annually certifies that the municipality has sufficient dedicated reserve funds to provide for the uses described in subdivision (2) of this subsection. On or before the third Monday of each year, the clerk shall submit a copy of the certification to the House Committee on Government Operations.

~~(d) A legislative body may establish or abolish a Restoration Reserve Fund only by affirmative vote at a legally warned meeting of the legislative body.~~
Nothing in this section shall preclude a municipality from committing funds to a Restoration and Preservation Reserve Fund in addition to those funds in subsection (c) of this section.

(e) Unspent funds in the Restoration and Preservation Reserve Fund shall carry over to subsequent fiscal years and shall be available as needed for the purposes described in subsection (c) of this section.

(f) When more than one previously recorded instrument is affected by the terms of a new instrument submitted for recording, the per page fee established in this section shall be assessed for each document affected by the terms of the new instrument.

* * * Filing of Digital Survey Plats * * *

Sec. 3. 27 V.S.A. § 1401 is amended to read:

§ 1401. ACCEPTANCE OF SURVEY PLATS; DEFINITION

(a) Each town clerk shall accept survey plats for filing and maintain files and indices to files of survey plats in accordance with this chapter.

(b) ~~For purposes of~~ As used in this chapter:

(1) ~~“survey Survey plat” shall mean~~ means a map or plan drawn to scale of one or more parcels, tracts or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements, and other rights.

(2) “Center” means the Vermont Center for Geographic Information.

(c)(1) Whenever a survey plat that maps the subdivision of a parcel or a change in a parcel boundary is filed for record with a town clerk, the surveyor who created the survey plat shall submit a digital copy of the plat to the Center. The Center shall maintain digital copies of survey plats in a statewide digital repository and make them available to the public.

(2) The failure of a surveyor to comply with subdivision (1) of this subsection shall not void, alter, or invalidate the subdivision or boundary adjustment and shall not render the title to the property depicted in the survey plat unmarketable.

(d) The survey plat filed with the town clerk shall be the official plat of record.

Sec. 4. 27 V.S.A. § 1403 is amended to read:

§ 1403. COMPOSITION OF SURVEY PLATS

* * *

(f) A digital copy of a survey plat filed with the Center pursuant to section 1401 of this chapter shall be submitted in portable document format (PDF). The Board of Land Surveyors, in consultation with the Center, shall have the authority to establish a digital survey standard for digital copies of survey plats.

Sec. 5. 27 V.S.A. § 341 is amended to read:

§ 341. REQUIREMENTS GENERALLY; RECORDING

* * *

(b)(1) A deed or other conveyance of land that includes a reference to a survey prepared or revised after July 1, 1988 may be recorded only if it is accompanied by the survey to which it refers, or cites the volume and page in the land records showing where the survey has previously been recorded.

(2) If the conveyance of land results in the subdivision of a parcel or a change in the boundaries of a parcel after January 1, 2020, the deed shall:

(A) be accompanied by a survey plat that depicts the new parcel boundaries; or

(B) cite the volume and page in the land records that indicates where the new parcel boundaries have previously been recorded.

(3) The failure to comply with this subsection shall not:

(A) void or invalidate the deed or other instruments recorded; or

(B) render the title to the property depicted in the survey plat

unmarketable.

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* * * Recording of Tax Liens * * *

Sec. 6. 32 V.S.A. § 5895 is amended to read:

§ 5895. TAX LIABILITY AS PROPERTY LIEN

(a)(1) If any corporation, partnership, individual, trust, or estate required to pay or remit any tax liability under this chapter neglects or refuses to pay it in accordance with this chapter after notification or assessment thereof under sections 3202 and 3203 of this title, the aggregate amount of the tax liability then due and owing, together with any costs that may accrue in addition thereto, shall be a lien in favor of this State upon all property and rights to property, whether real or personal, belonging to the corporation, partnership, individual, trust, or estate.

(2) The lien shall arise at the time the notification or assessment is made by the Commissioner and shall continue until the aggregate tax liability with costs is satisfied in full or becomes unenforceable by reason of lapse of time. The lien shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of the lien and the sum due has been filed by the Commissioner with the clerk of the town or city in which the

property subject to lien is situated, or, in the case of an unorganized town, gore, or grant, in the office of the clerk of the county wherein the property is situated. The lien shall be deemed filed when the clerk of the town or city indorses a certificate on the lien pursuant to 24 V.S.A. § 1159.

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* * * Miscellaneous Recording Procedures * * *

Sec. 7. 24 V.S.A. § 1154a is added to read:

§ 1154a. RECORDS; RETURN POSTAGE

Whenever an instrument listed in section 1154 of this chapter is filed or left for record with the town clerk, the town shall bear the costs of returning the original copy of the instrument to the person who filed or left the instrument for record.

Sec. 8. 24 V.S.A. § 1156 is amended to read:

§ 1156. CHATTEL MORTGAGES; CONDITIONAL SALES; DISCHARGE
OF LIEN

Within 15 days after a chattel mortgage, a sufficient memorandum of a conditional vendor's lien, or a memorandum of a discharge of such mortgage or lien has been delivered to a town clerk for recording, accompanied by the requisite recording fee ~~and a sum to cover return postage~~ provided in 32 V.S.A. § 1671, such clerk shall record such mortgage, lien, or discharge and return the original to the person entitled thereto.

Sec. 9. 24 V.S.A. § 1159 is amended to read:

§ 1159. INDORSEMENT OF TIME OF RECEIVING INSTRUMENTS

~~When a deed or other written instrument is filed or left for record with the town clerk, he or she shall indorse thereon a certificate of the date of its reception. If the paper is left for record, the certificate shall so state and also shall contain the time of day and be included in the record thereof.~~

(a) An instrument shall be deemed recorded when the town clerk:

(1) receives the instrument, the recording fee provided in 32 V.S.A. § 1671, and all supporting documents required by statute; and

(2) indorses a certificate of the date and time of reception on the instrument.

(b) Within three days following the date an instrument is indorsed, the clerk shall enter the name or names of the parties, the type of instrument, the date of the instrument, and the date and time of recording in a day book, printed index, or digital index that is open to public inspection. A town clerk may extend the time for entering the information for good cause shown, including reasons related to illness or absence of the clerk.

* * * Effective Dates * * *

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1–2 (town clerk fees; town fee report), 6 (recording of tax liens); 7–9 (recording procedures) shall take effect on July 1, 2019.

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(b) Secs. 3–5 shall take effect on January 1, 2020.

Date Governor signed bill: May 28, 2019