



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 3533 **Version:** 1 **Name:** Recording of documents by the Records Department.
Type: Ordinance **Status:** Passed
File created: 8/30/2004 **In control:** Finance and Audit Committee
On agenda: 8/30/2004 **Final action:** 9/27/2004
Title: AN ORDINANCE repealing sections 9020., 9025., 9050., 9051. and 9054., Jackson County Code, 1984, relating to the recording of documents by the Department of Records, and enacting, in lieu thereof, five new sections relating to the same subject.
Sponsors: Ronald E. Finley
Indexes: JACKSON COUNTY CODE, RECORDER'S OFFICE
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
9/27/2004	1	County Legislature	adopt	Pass
9/27/2004	1	County Legislature	Motion	
9/20/2004	0	County Legislature	Consent Agenda	Pass
9/20/2004	0	Finance and Audit Committee		
9/20/2004	0	County Legislature	perfect	Pass
9/14/2004	0	County Legislature	Go To 3rd Perfection	Pass
9/8/2004	0	County Legislature	Go To 2nd Perfection	Pass
9/7/2004	0	Finance and Audit Committee		
8/31/2004	0	County Legislature	Go To 1st Perfection	Pass
8/30/2004	0	County Legislature	assign to committee	

Finance & Audit Committee
Substitute
September 20, 2004

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 9020., 9025., 9050., 9051. and 9054., Jackson County Code, 1984, relating to the recording of documents by the Department of Records, and enacting, in lieu thereof, five new sections relating to the same subject.

ORDINANCE # 3533, August 30, 2004

INTRODUCED BY Ronald E. Finley, County Legislator

WHEREAS, changes in state law and enhanced technological capabilities of the Department of Records have made it advisable that certain procedures be established and the fees charged for various services provided by the Department of Records be revised; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. sections 9020., 9025., 9050., 9051. and 9054., Jackson County Code, 1984, are hereby repealed, and five (5) new sections enacted in lieu thereof, to be known as §§ 9020., 9025., 9050., 9051. and 9054., to read as follows:

FINANCING STATEMENTS

9020. In accordance with [Notwithstanding] the provisions of Sections 59.163, 59.170 and 400.9 - 501, RSMo [1978], the Department of Records shall accept for filing all financing statements and other instruments incidental to those financing statements required to be filed within Jackson County [in accordance with Article 9, Part 4, Chapter 400 RSMo 1978, the Uniform Commercial Code without regard to any range line in the county], provided that those financing statements affect real estate, and are recorded in the office that is located within the range designated by Section 59.163, RSMo.

9025. Records Department, Procedures for Inspection of Financing Statements.

On receipt of any inquiries or requests for inspection concerning financing statements filed to perfect security interests in personal property pursuant to the requirements of the Uniform Commercial Code, Sections 400.9 - 101 to 400.9 - 507, RSMo 1978, and subsequent amendments, and in the custody of the Director of Records, the following procedures shall apply to insure accuracy of information and

to prevent loss or misplacement of documents.

9025.1 No Information by Telephone.

No information shall be provided over the telephone regarding financing statements [[or other recorded documents]] on file with the Department of Records by any employee of the Department of Records.

No document searches shall be conducted over the telephone regarding any recorded document on file with the Department of Records by any employee of the Department of Records.

9025.2 Personal Inspection.

When any person requests permission to personally inspect the files or indexes of the financing statements in the custody of the Director of Records, the Director shall insure that the requesting person is escorted at all times during the inspection. That person shall be escorted by a responsible employee of the Department of Records who has sufficient knowledge of the indexes and files to insure that the accuracy and integrity of the files are maintained.

9025.3 Exemptions.

Agents of governmental units, whom the Director of Records considers sufficiently acquainted with the indexes and files so that their inspection will not result in misplacement of any materials contained in those indexes and files, may be permitted to inspect without escorts.

9025.4 Unavailability of Escort.

Whenever sufficient personnel of the Department of Records is not available to provide an escort for the person seeking inspection, the Department of Records may:

a. Request Person Return.

Request that person to return at a subsequent designated time when an escort will be available; or

b. Department Make Inspection.

Make the inspection by its personnel without charge for and on behalf of the person requesting a personal inspection.

9025.5 Charge for Copies.

Any person requesting a copy of any [filing] financing statement shall be charged [the usual copy fee] eight (8) dollars for each Uniform Commercial Code filing filed prior to June 1, 2001, which includes the first ten pages of copies made. Copies of additional pages shall be available at the rate of fifty cents (\$.50) per page.

9050. Documents, Standards for Filing.

The following requirements and restrictions apply to documents to be recorded.

9050.1 Page Defined.

As used in this chapter, page means one (1) side of a leaf of a document subject to the restrictions set forth in this section. A page may contain writing on one side only.

9050.2 Size.

[A] No page [is] shall be larger than eight and one-half inches by [fourteen] eleven inches (8 ½" x [14] 11") [or smaller] unless otherwise denoted.

9050.3 Attached Sheets.

Any attached sheet that covers any printing on a document shall be counted as a page.

9050.4 Margins, Recording Information, and Certification.

[If sufficient space is not provided on a document for the necessary recording information and certification, the recording information and certification shall be placed on an added sheet. That sheet shall be counted as a page.]

The first page of each recorded document shall have a three (3) inch margin at the top which shall consist only of blank white space. All other margins on the first page, and all margins of additional pages must be at least three-quarters (3/4) of an inch all around the page. The body of the document shall not extend into the margins, and any document whose margins contain anything more than incidental writing, such as form names or numbers or page numbers, shall be in violation of this section. Each document containing any of the below-listed items that is presented for recording shall set out such information on the first page of each document filed below the three-inch margin:

- Date of document
- Title of document
- All grantors
- All grantees
- Any statutory addresses as required by Chapters 442 and 443 RSMo, or any other relevant statutes of Missouri Law.
- Legal description of property

- Reference book and pages or document numbers (if applicable)

If there is not sufficient space on the first page of the document, the first page must clearly indicate the page upon which the required information may be found.

9050.5 Size of Print or Type.

The size of print or type on any document to be recorded should not be smaller than eight (8) point. If any document to be recorded contains type smaller than eight (8) point, that document must be accompanied by an exact typewritten copy of the document which will be recorded contemporaneously with the document.

9050.6 Legibility.

The document must be of sufficient legibility so as to provide a clear and legible reproduction of that document. If a document is not sufficiently legible so as to produce a clear and legible reproduction, that document must be accompanied by an exact typewritten copy of the document which will be recorded contemporaneously with the document.

9050.7 Signature.

Any signature on a document should have the corresponding name typed, printed or stamped underneath the signature.

9050.8 State Law Requirements.

Any document presented for recording that does not meet the requirements of all Missouri statutes for recording purposes may be deemed a non-complying document by the Director of Records and

refused for recording by the director in his sole discretion.

a. Fee for Non-complying Documents.

Any document that does not meet all of the requirements of this section may be recorded at the sole discretion of the Director of Records for an additional fee of twenty-five dollars (\$25). This fee shall be deposited in the County Recorder's Fund established pursuant to section 59.319.1 RSMo.

9051. Fees, Director of Records Services.

The Director of Records shall cause the following fees for services to be collected and deposited in the county treasury. Fees for services not specifically designated herein shall be collected and deposited in the county treasury by the Director of Records in the amounts set forth for the collection of fees by the Recorder of Deeds as required by Missouri state statute.

9051.1 State User Fee, Interest in Real Property.

A state user fee shall be charged to record any instrument.

9051.2 Fee for Copying Recorded Instrument

Pursuant to § 59.310.3(2), RSMo, the fee for copying or reproducing any recorded instrument is two dollars (\$2) for the first page and one dollar (\$1) for each page thereafter.

9051.3 Fee for Recording Plat or Survey.

Pursuant to § 59.310.3(4), RSMo, in addition to any other fees imposed under this section, the fee for recording a plat or survey of a subdivision, outlots, or condominiums is twenty[-five] dollars (\$[25] 20) for each page of drawings and calculations and five dollars (\$5) for each

page of other material. Any plat or survey larger than eighteen inches by twenty-four inches (18" x 24") shall be counted as an additional page for each additional eighteen inches by twenty-four inches (18" x 24") or fraction thereof. An additional \$3 is charged for the certification page.

9051.4 Fee for Recording Survey of One Tract of Land.

Pursuant to § 59.310.3(5), RSMo, the fee for recording a survey of one tract of land, in the form of one page, is \$5.00 per page.

9051.5 Fee for Copying Plat.

Pursuant to § 59.310.3(6), RSMo, the fee for copying a plat or survey is five dollars (\$5) per page for pages larger than eight and one-half by eleven (8 1/2 x 11 inches. For pages measuring eight and one-half by eleven inches, the fee shall be two (2) dollars for the first page and one (1) dollar for each additional page per document.

9051.6 [Fee for Release of Collateral.

Pursuant to § 400.9-406, RSMo, the fee for filing and noting a statement of release of collateral is four dollars (\$4) if the statement is of the standard size prescribed by the secretary of state, and otherwise is six dollars (\$6), plus one dollar (\$1) per page for attachments.

9051.7] Fee for Marriage License.

The Director of Records shall charge one (1) fee for the application, issuance, recording and reporting of a marriage license. The nonrefundable fee for every marriage license is [forty-seven dollars (\$47)] forty-eight dollars (\$48). This fee shall include all costs, charges and fees for the

services rendered by the Department of Records, including the fees authorized by §§ 9053. and 9054. of this chapter, and including fees for the following services:

a. Application.

For each application for a marriage license pursuant to Section 451.040 RSMo;

b. Processing.

For the processing of each application and all services of a notary public;

c. Issuance and Recording of License.

For the issuance of a marriage license pursuant to the application and the recording of each license pursuant to Section 451.150 RSMo;

d. Recording and Reporting of Certificate.

For the recording of each marriage certificate and reporting the same to the State Registrar pursuant to Section 193.340, RSMo; and,

The authority for this fee is as follows:

<u>Source</u>	<u>Purpose</u>	<u>Amount</u>	<u>Disposition of Funds</u>
§59.310.3(3) RSMo	Seals	\$3.00	County General Fund
§59.319.1 RSMo	User Fee	\$4.00	\$2.00 - State Treasury \$2.00-County Recorder's Fund

§67.1063.2, RSMo	User Fee	\$3.00	County Homeless Assistance Fund
§193.195, RSMo	Reporting	\$2.00	County General Fund
§451.150, RSMo	Recording	\$10.00	County General Fund
§451.151.1, RSMo	Issuance	\$20.00	\$15 - State Children's Trust Fund \$5 - County Victims of Domestic Violence Fund
§455.205.1, RSMo	User Fee	\$5.00	County Victims of Domestic Violence Fund
<u>§59.321, RSMo</u>	<u>User Fee</u>	<u>\$1.00</u>	<u>County General Fund</u>

9051.[8]7 Fee for Identifying Original Document.

The fee for identifying each note to an instrument when a document is recorded that creates a lien against real estate is twenty-five cents (\$.25).

9051.[9]8 Fee for Certified Copy of Marriage License.

The fee for a certified copy of a marriage license is ten dollars (\$10). The authority for this fee is as follows:

<u>Source</u>	<u>Purpose</u>	<u>Amount</u>	<u>Disposition</u>
§59.310.3 (3), RSMo	Certificate and Seal	\$1.00	County General Fund
§59.310.3 (7), RSMo	Copy	\$2.00	County General Fund
§451.151.2, RSMo	Certified Copy	\$7.00	State Children's Trust Fund

9051.9 Fee for Recording a Deed.

The fee for recording a deed, land record, or other conveyance instrument or document pursuant to Chapters 59, 442, or 443 RSMo, is [eighteen] twenty-one dollars (\$[18] 21) plus three dollars (\$3) for each page in excess of one page. This fee shall include the fee authorized by §9054. of this chapter. The authority for this fee is as follows:

<u>Source</u>	<u>Purpose</u>	<u>Amount</u>	<u>Disposition</u>
§59.310.[3] <u>6</u> (1), RSMo	Recording	[\$8.00] <u>5.00</u>	County General Fund
		\$3.00 per additional page	
<u>§59.800.1</u>	<u>Recording</u>	<u>\$1.75</u>	<u>County General Fund</u>
<u>§59.800.1</u>	<u>User</u>	<u>Fee</u>	<u>\$1.25</u>
	<u>Fund</u>		<u>Recorder's</u> <u>Technology</u>
<u>§59.800.2</u>	<u>User</u>	<u>Fee</u>	<u>\$2.00</u>
			<u>Statutory</u> <u>Recorder</u>

Subscriptions shall be available to receive digital images on compact disc of all land documents recorded in the County's official public records. The discs will be created numerous times throughout the year, with intervals determined by the volume of recordings. The fee for this subscription service shall be two thousand five hundred dollars (\$2,500.00) per year, per subscriber. Payment of this fee shall entitle the subscriber to digital images of the aforementioned documents throughout the calendar year in compact disc format. Payment shall be due in advance or paid on a quarterly basis in the sole discretion of the Director of Records. Fees received pursuant to this section shall be deposited in the Recorder's Technology Fund, established under §59.800.1 RSMo.

9051.12 Digital Plat Images

As technology provides the ability to do so, the Department of Records may offer copies of recorded plats in digital format, available on volumes of compact discs for sale to the public. A complete set of these documents, dating back to 1827 and current through the end of the most recent calendar year, will be available at a cost of eight hundred dollars (\$800.00). Annual updates, available through the end of the most recent calendar year, and containing that year's data only, shall be available for one hundred dollars (\$100.00) per year. Fees received pursuant to this section shall be deposited in the Recorder's Technology Fund, established under §59.800.1 RSMo.

9051.13 Miscellaneous Fees

a. Death Certificates.

The fee for recording a certified copy of a death certificate shall be eighteen dollars (\$18.00) with the fees to be distributed as provided in section 9051., except that the State Housing Trust fee shall not apply to this type of document.

b. Mechanics Liens.

The fee for recording a notice of mechanic's lien shall be fifteen dollars and twenty five cents (\$15.25), with the fee to be distributed as provided in section 9051., except that the County General Fund portion of the fee pursuant to sections 59.310.6 and 59.800.1, RSMo, shall not apply, but the additional \$.25 fee pursuant to section 9051.7 of this chapter shall be applicable.

c. Intent to Home School.

The fee for recording a notices of intent to home school shall be charged Fourteen dollars and twenty -five cents (\$14.25), with the fee to be distributed in section 9051.1, except that the County General Fund portion of the fee pursuant to sections 59.310.6 and 59.800.1 RSMo, shall not apply.

9051.14 Payment of Fees.

Each document presented for recording must be accompanied by the appropriate fee. Any document presented for recording without the appropriate fee may be rejected for recording in the sole discretion of the Director of Records, and returned to the submitter or presenter of the document.

9051.15 Overpayments of Fees

In order to provide for the timely and cost-effective recording of documents, the Records Department will retain an overpayment processing fee not to exceed ten dollars (\$10.00) for any overpayment of the fees outlined in this chapter. The remainder of any over payment, if in excess of ten dollars (\$10.00), will be refunded in the ordinary course of the department's business. Any overpayment of

ten dollars or less will not result in a refund unless the customer makes a request in writing within thirty (30) days of the transaction, and is able to provide a receipt or document number of the document(s) recorded in the transaction, in which instance the overpayment processing fee may be waived by the Department of Records. Any overpayment processing fees retained shall be deposited in the County General Fund.

9054. User Fee.

Pursuant to sections 67.1053 et seq., RSMo, a user fee of three dollars shall be charged and collected on all instruments recorded with the Department of Records, over and above any other fees required by law or code, as a precondition to the recording of any document.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Acting Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3533 introduced on August 30, 2004, was duly passed on _____ September 27 _____, 2004 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas _____ 8 _____ Nays _____ 0 _____
Abstaining _____ 0 _____ Absents _____ 1 _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3533.

Date

Katheryn J. Shields, County Executive