

REQUIREMENTS FOR INSTRUMENTS TO BE RECEIVED AND RECORDED BY WHITE COUNTY RECORDER

Documents presented for recording with the White County Recorder must comply with the following state-mandated guidelines:

- A. The Instrument or document must consist of at least one (1) individual page measuring not more than 8 ½" x 14" that is not permanently bound or not a continuous form.
- B. The first and last pages **must** contain a minimum margin of 2" top and bottom and ½ " on each side. Any additional pages require at least a ½" margin on all four sides.
- C. The instrument or document must be on **white** 20 pound paper containing typewritten or computer-generated information in **black** ink (minimum type size is 10 point).

If there is no place to imprint the recording information on the first or last pages, there will be an additional charge of \$2.00 for an additional page as we will have to print it on the back of the last page and then record it.

All instruments and documents presented for recording that **do not** comply with these requirements will be assessed a \$1.00 per page non-conforming fee in accordance with **IC 36-2-11-16.5**.

These requirements **DO NOT** apply to: **Judgments, court orders, writs, wills, death certificates, plats and surveys.**

The **preparer** must make the statement required by **IC 36-2-11-15 c** identifying the name of the preparer on all instruments not exempted under **IC 36-2-11-15 (a)** and shall be located at the conclusion of the instrument. The name of the person and governmental agency, if any, that prepared the instrument is to be printed, typewritten, stamped, or signed in a legible manner at the conclusion the instrument.
“This instrument was prepared by (name)”

A document **may not** be submitted to the County Recorder for recording or filing if the document contains a social security number of an individual, unless required by law.
IC 36-2-7.5-4

All social security numbers in the document are to be redacted, unless required by law.
IC 36-2-11-15

Any instrument that must by statute have a prepared by statement must also have the affirmation statement located immediately preceding or following the instrument listed in **IC 36-2-11-15-(d)** It shall be typed exactly as quoted in the statute

“I affirm under the penalty of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (name)”

This section does not apply to an instrument executed before July 1, 1959, or recorded before July 26, 1967, a judgment order, or writ of a court, a will or death certificate, or an instrument executed outside Indiana or a federal lien on real property or a federal tax lien on personal property
IC 36-2-11-15(a)

In addition to the requirements of subsection (a) of **IC 32-21-2-3**
A **conveyance** may not be recorded if the mailing address on the conveyance is not a street address or rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address

IC 36-2-11-16

Whenever this section prescribes that the name of a person be printed, typewritten, or stamped immediately beneath his signature, the signature must be written on the instrument, directly preceding the printed, typewritten, or stamped name, and may not be superimposed on that name so as to render either illegible. However, the instrument may be received for record if the name and signature are, in the discretion of the county recorder, placed on the instrument so as to render the connection between the two apparent.

(c)

The recorder may receive for record an instrument only if:

(1) the name of each person who executed the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten,

(2) the name of each witness to the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten, or stamped;

(3) the name of each notary public whose signature appears on the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten or stamped; and

(4) the name of each person who executed the instrument appears identically in the body of the instrument, in the acknowledgment or jurat, in his signature, and beneath his signature; or if subsection (d) is complied with.

(d) The recorder may receive for recording an instrument that does not comply with subsection (c) if:

(1) a printed or typewritten affidavit of a person with personal knowledge of the facts is recorded with the instrument;

(2) the affidavit complies with this section;

(3) the affidavit state the correct name of a person, if any, whose signature cannot be identified or name of the person and states that each of the names used in the instrument refers to the person.

(4) when the instrument does not comply with subsection(c) (4), the affidavit states the correct name of the person an states that each of the names used in the instrument refers to the person.

(e) The recorder may record a document presented for recording or a copy produced by a photographic process of the document presented for recording if:

(1) the document complies with other statutory requirements; and

(2) the document or copy will produce a clear and unobstructed copy.

All copies accepted for recording shall be marked as copy by the recorder.

(f) An instrument, document, or copy received and recorded by a county recorder is conclusively presumed to comply with this section.

Exceptions to recording requirement in this section

- an instrument executed prior to Nov 4, 1943
- a judgment, order or writ of the court
- a will or death certificate
- an instrument executed or acknowledged outside Indiana
- affidavit of person knowledgeable of the facts recorded with the instrument

Responsibility of County Recorder in regard to Documents containing Social Security Numbers

A County Recorder, or an employee of the Recorder's Office, ***shall not*** accept for recording, any document that does not have the affirmation and statement on the document.

IC 36-2-7.5-5

Exception:

1. an instrument executed before July 1, 1959, or recorded before July 26, 1967;
2. a judgment, order or writ of court;
3. a will or death certificate;
4. an instrument executed or acknowledged outside Indiana; or
5. a federal lien on real property or a federal tax lien on personal property, as described in **IC 36-2-11-25**

Any instrument executed or acknowledged (notarized) outside of Indiana is not required to contain the affirmation statement.

Effective December 31, 2007

To the extent practicable and as permitted by law, a county recorder may not disclose a recorded or filed document for public inspection under IC 5-14-3 until the county recorder has:

1. searched the document for Social Security number; and
2. to the extent practicable, redacted any Social Security numbers contained in the document; using redacting technology. **IC 36-2-7.5-8**

The County Recorder shall conduct training sessions at least two (2) times each year for the County Recorder's employees on the:

1. requirements of this chapter; and
2. procedures to follow in order to comply with this chapter and penalties under section 12 of this chapter. **IC 36-2-7.5-10**

A County Recorder, or an employee of the Recorder's Office, who discloses a recorded document that contains a Social Security number without having the document searched for Social Security numbers, to the extent technologically possible, using redacting technology, commits a Class A Infraction

IC 36-2-7.5-12

If you have any questions, please contact the White County Recorder's Office at 574-583-5912

Paula L. Lantz, Recorder