

LEGISLATIVE BILL 254

Approved by the Governor May 17, 2011

Introduced by Campbell, 25.

FOR AN ACT relating to the register of deeds; to amend sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska; to provide and change requirements for instruments to be recorded in the office of the register of deeds; to provide for applicability; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1503.01 (1) Any instrument submitted for recording in the office of the register of deeds shall contain a blank space at the top of the first page which is at least ~~two and one-half~~ three inches by ~~six~~ eight and one-half inches in size for recording information required by section 23-1510 by the register of deeds. If this space or the information required by such section is not provided, the register of deeds may add a page or use the back side of an existing page and charge for the page a fee established by section 33-109 for the recording of an instrument. No attachment or affirmation shall be used in any way to cover any information or printed material on the instrument.

(2) Printed forms primarily intended to be used for recordation purposes shall have a ~~one-half-inch~~ one-inch margin on the two vertical sides except in the space reserved for recording information. Any printed form accepted for recordation that does not comply with this section shall not affect the validity of or the notice otherwise given by the recording, and a one-inch margin on the bottom of the page. Nonessential information such as page numbers or customer notations may be placed within the side and bottom margins.

(3) All instruments submitted for recording shall be on paper measuring at least eight and one-half inches by eleven inches and not larger than eight and one-half inches by fourteen inches. The instrument shall be printed, typewritten, or computer-generated in black ink on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. The instrument shall be sufficiently legible to allow for a readable copy to be reproduced using the method of reproduction used by the register of deeds. A font size of at least eight points shall be presumed to be sufficiently legible. Each signature on an instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signature is readable when the instrument is reproduced. The name of each party to the instrument shall be typed, printed, or stamped beneath the original signature. An embossed or inked stamp shall not cover or otherwise materially interfere with any part of the instrument.

(4) This section does not apply to:

- (a) Instruments signed before the effective date of this act;
- (b) Instruments executed outside of the United States;
- (c) Certified copies of instruments issued by governmental agencies, including vital records;
- (d) Instruments signed by an original party who is incapacitated or deceased at the time the instruments are presented for recording;
- (e) Instruments formatted to meet court requirements;
- (f) Federal and state tax liens;
- (g) Forms prescribed by the Uniform Commercial Code; and
- (h) Plats, surveys, or drawings related to plats or surveys.

(5) The changes made to this section by this legislative bill do not affect the duty of a register of deeds to file an instrument presented for recordation as set forth in sections 23-1506 and 76-237.

Sec. 2. Any printed form accepted for recordation that does not comply with sections 23-1503 to 23-1527 shall not affect the validity of or the notice otherwise given by the recording.

Sec. 3. Section 23-1510, Reissue Revised Statutes of Nebraska, is amended to read:

23-1510 (1) The register of deeds shall endorse upon every instrument properly filed in his or her office for ~~recording~~ recording the minute, hour, day, month, and year when it was so filed and shall forthwith enter the same in the proper indices ~~herein~~ provided for in sections 23-1508 to 23-1517.02.

(2) Every instrument presented for recording shall have, on the first page below the three-inch margin prescribed in section 23-1503.01, the

following information:

(a) A return address; and

(b) The title of the instrument.

(3) After the ~~same~~ instrument has been recorded, the book and page or computer system reference where it may be found shall be endorsed thereon.

Sec. 4. Original sections 23-1503.01 and 23-1510, Reissue Revised Statutes of Nebraska, are repealed.