

GETTING STARTED GUIDE FOR INDIANA RECORDERS

Indiana Recorders Association
EDUCATION COMMITTEE - December 2016

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Indiana Recorders Association, Education Committee, 2016

Congratulations on your recent election as a County Recorder! The Indiana Recorders' Association and members of the Education Committee welcome you to service in the oldest constitutionally established County office in Indiana! We are pleased to offer this Getting Started Guide, to accompany your newly-elected officer training program and the Indiana Recorders' Manual. Know that we are here for you. Please never hesitate to reach out to the Association leadership, your District Vice-Presidents, or any member of the Education Committee. As always, there are "no stupid questions." We want to be sure you get off to a great start with as solid a foundation as possible in understanding the responsibilities of your new and vitally important position.

The Indiana Recorders' Manual, approved by the Indiana Recorders Association, is a very good "desk reference" for getting vital information you will need to do a great job as County Recorder. However, this Guide is intended primarily for new Recorders who need to know just what to do now that you have been elected and are about to take office, or even if you have already moved into your new position. It will help you to navigate through your first days, weeks, and months of service, and provide you with the information you will need even before assuming your new responsibilities.

The Guide is arranged first as a set of checklists, covering things you will need or want to do: before taking office, on your very first day, during your first week or so, and over the first months of your tenure. Following these checklists are some explanations and discussions of the most important things you will need to know and understand. Finally, it includes some examples of office policies, procedures, and internal controls. All new Recorders are encouraged to share this Guide with your Chief Deputies (sometimes called First Deputies), as they are expected and authorized to serve as acting Recorder in your absence.

Before You Take Office

There are just a few things you will need to take care of before you are even sworn in as the new Recorder in your County:

- ✓ **Make sure your bond is in place.** Any County official who handles money and/or County property (which includes those records that you will be responsible for recording and maintaining) must be bonded. This is typically paid for by your County government, so you should not be responsible for paying for your bond insurance. Get in touch with your County's Legal department or Commissioners, who should be able to help you obtain your

bond. (Note that although the Recorder is responsible for recording and preserving the bonds for all other County officials, your own bond is to be filed with your County Clerk.)

- ✓ **Select your Chief Deputy** (also called First Deputy). It is likely that you have already done this. Your “first mate” should be a person you trust, and who is capable of learning and performing the job of Recorder if and when necessary. Give your Chief Deputy copies of this Guide and the Recorders’ Manual.
- ✓ **Contact your software vendor to have them change the name on your recording stamp**, effective January 1st of your term of office. It is best to establish contact with your vendor before taking office, so that you are both ready to work together on Day 1.

Day 1 – Here We Go!

- ✓ **Get in touch with your bank**, to get your name added to your account(s) and remove the outgoing Recorder. You will likely need some kind of written verification that you are the new elected official. Ask your County Auditor, Commissioners’ office, or Legal department to provide this.
- ✓ **Make sure your opening cash (cash drawer)** has been returned to your Auditor or Treasurer from the previous term, and obtain a check that you can take to your bank to get your own cash for the drawer.
- ✓ **Obtain copies of all the keys to your office.**
- ✓ **If you have a safe, make sure you know the combination.**
- ✓ **Obtain your County ID cards** (for yourself and your Chief Deputy) from your HR or IT department.
- ✓ **Check in with your Auditor** to make sure you know when the next pay period ends, and to understand their process for filing payroll claims.
- ✓ **Talk to your IT department** to have them explain whatever data backup solutions your office has in place. If there are no backups, correct that inadequacy immediately!

Week 1 – Settling In

- ✓ **Get stamps made** with your name: signature stamp, certified document stamp (if you use a personalized one).
- ✓ **Order a name plate for your office door** (if your office has one), **letterhead** (or just create a Word template), **pre-printed envelopes, and business cards** (for yourself and your Chief Deputy).
- ✓ **Learn how to update your office’s web page**, if you have one, and update it with your contact information and photo. Also update any staff changes that may have occurred in your transition.
- ✓ **Process your end-of-year reports**, and provide these to your County Auditor or Treasurer.
- ✓ **Process your December report-of-collections** and take a check for that amount to your County Treasurer. (Wait until your December bank statement is received, and reconcile that statement first. See below.)

- ✓ **Get in touch with any purchasing agents** that you will be working with in your County. These may include your Commissioners and your IT department. You are also a purchasing agent yourself, in charge of appropriate use of your Recorder's Perpetuation Fund, Identity Security Protection Fund, and Elected Officials Training Fund.
- ✓ **Talk to your Commissioners about any contracts** that your office has with various vendors. Make sure that any contracts up for renewal have been approved and signed.
- ✓ **Talk to one or more members of your County Council** about your budget expectations. Do you have a Council liaison?
- ✓ **Read through the Recorders' Manual**, and contact your Recorders Association district vice-president or mentor with any questions.

Month 1 – Getting Comfortable

- ✓ **Find out what written policies are in place in your office.** Are you comfortable with them? Do you feel they should be updated or modified?
- ✓ **Adopt clear policies and internal controls** for your office. (See additional training.)
- ✓ **Adopt clear and reasonable policies for your customers.**
- ✓ **Make sure you have a written job description for every position in your office.**
- ✓ **Set up a meeting with your County Clerk regarding your Local Records Commission.** As Recorder, you are eligible to serve as the secretary of this commission, as is the Clerk. Decide who it will be for the ensuing year.
- ✓ **Establish a schedule for records commission meetings**, which need to be held at least once every year.
- ✓ **Become familiar with records retention schedules.** There is additional training available for all matters pertaining to your Local Records Commission, including training sessions offered by the Indiana Archives and Records Administration (IARA).
- ✓ **Get in touch with your State legislators** that represent your county, to make sure they understand the responsibilities and needs of your office.
- ✓ **Become familiar with your required Education Credits** (IC 36-2-11-2.5).
 - Training courses are developed by the Association of Indiana Counties and approved by the State Board of Accounts.
 - You need to complete 15 credit-hours of training in your first year. Your attendance at the Newly-Elected Officers' Training conference counts toward these credits, as do the Recorder sessions at the Indiana Recorders Association (IRA) and Association of Indiana Counties (AIC) conferences.
 - You need to complete 40 credit-hours of training within three years of the beginning of your term(s). Again, sessions at conferences count toward these credits, and you will also receive credits for attending Newly-Elected Officials Training additional times.
- ✓ **Familiarize yourself with all of your office funding and budgets.**
 - General Fund – salaries for you and your staff.
 - Recorder's Perpetuation Fund – preservation of records, and other office expenses. (Note that you must certify that your records preservation needs are fully funded before you may use this fund for other purposes.)

- County Elected Officials Training fund – for conferences and training seminars approved by the State Board of Accounts. (Only for Recorders. Thus fund may not, at this time, be used for training of Chief Deputies or other staff.)
- Identity Security Protection fund – used almost exclusively to pay for recording software that includes SSN redaction.
- ✓ **Network!** Get to know the other Recorders in your district, especially your District VP and the member of the Education Committee. Make sure you know about all district meetings and go to them.

Important Concepts

All the aspects of your position are described in the IRA Recordors' Manual, which you should have handy at all times. You can download the Manual from the Indiana Recordors Association website: <https://www.indianacounties.org/recordors> This section of the Guide presents a few of the most important things to know and understand.

Document Types and Examples

Deeds (grantor/grantee, legal description)

Mortgages (mortgagor/mortgagee, legal description)

Releases and Assignments (require a cross-reference)

Amendments and Modifications (require a cross-reference)

UCCs (debtor/secured party)

- Forms can be found at <http://www.in.gov/sos/business/4051.htm>
- Although you will be scanning an image of the forms into your recording software, retain the physical copy according to the Recorder's Retention Schedule.
- A Financing Statement (IC 26-1-9.1-502) is good for five years, unless continued. Keep for six calendar years after lapse or termination (Rec. Retention Schedule 10-31).
- A Financing Statement Amendment (IC 26-1-9.1-512-514) is used to continue, terminate, or assign a Financing Statement.
- Information Request (IC 26-1-9.1-523). Retain for six calendar years after lapse or termination. (Rec. Retention Schedule 10-30)

Business Name ("Firm and Partnership" or "DBA" form)

Military Discharge ("DD214" Note that this is a *restricted documents* and not to be made available to the general public.)

General Recording Requirements

Deeds (IC 32-21-3-3; IC 32-21-2-11; IC 36-2)

Conveyance (IC 32-21-4-1; IC 32-21; IC 36-2)

Acknowledgements & Notarization (IC 32-1-2-18; IC 32-21; IC 36-2; IC 33-42-2-9)

Page Size (IC 36-2-7-10)

Index / Legal Description (IC 36-2-11-12; IC 32-21; IC 36-2)

Auditor's Transfer Stamp (IC 36-2-11-14; IC 32-21; IC 36-2)

Prepared by statement (IC 36-2-11-15; IC 32-21; IC 36-2)

Names printed/typed below signatures (IC 36-2-11-16; IC 32-21; IC 36-2)

Social Security Redaction Statement (IC 36-2-11-15)

Recording and Copy Fees

Some documents are to be recorded with no fee (IC 36-2-7-10(g)):

- Official Bond (IC 5-4-1-5.1)
- Tax Sale Survey (IC 6-1.1-22-2(c))
- State, City or County Highway Right of Way (IC 8-23-7)

- Right of Way & Easements (IC 8-23-23)
- Military Discharge Documents (IC 10-17-2-3)
- Certified Military Discharge (IC 10-17-3-2)
- Old Age Supplement Certificate (IC 12-14-13)
- Supplemental Assistance Liens (IC 12-14-16)

Standard recording fees are listed in Appendix A. A detailed breakdown of the distributions of fees into various County funds can be found in the IRA Recordors' Manual.

Daily and Monthly Balancing

Daily Reports:

- Receipt of Fees
- Entry Book
- Fee and Cash Book
- Deposit
- Disbursements

Monthly Reports

- Bank Statement (reconcile monthly)
- Report of Collections
- Write check to Auditor or Treasurer (check with how your County does this) *after* you have reconciled your bank statement and matched the balance (including all outstanding receipts and payments) to your monthly Report of Collections.
- Monthly escrow and charge statements for customers (if you offer pre-pay and/or copy/print billing).

Remote/Online Access to your Database

- Do you offer remote access to your records? (Via Doxpop, for example.)
- What is the current fee scale for that?
- How much does the County retain of fees collected. (We are required to collect the same \$1/page or \$2/plat-page as charged in the office. Doxpop accounts for this and remits payment to your office accordingly.)
- If you are not using a service such as Doxpop, how do you invoice customers? Do you offer billing and/or pre-pay?

Appendix A: Recording Fees

Recorders Fee Schedule (Indiana has the lowest recording fees in the US)

	Entire State	Marion County
1. Deeds		
Not Exceeding 8 ½" X 14"	\$16.00	\$18.50
Each Additional Page	2.00	3.00
2. Mortgages		
Not Exceeding 8 ½" X 14"	14.00	16.50
Each Additional Page	2.00	3.00
3. Miscellaneous/Affidavits		
Not Exceeding 8 ½" X 14"	11.00	13.50
Each Additional Page	2.00	3.00
4. Release/Partial Release/ Assignment		
Not Exceeding 8 ½" X 14"	12.00	14.50
Each Additional Page	2.00	3.00
5. Any Document Exceeding 8 ½" X 14"		
First Page	20.00	20.00
Each Additional Page	5.00	5.00
6. Mechanic's Lien		
First Page w/ one 1st Class Mailing	13.00	15.50
Each Additional Page	2.00	3.00
Each Additional Mailing	2.00	2.00
7. Horizontal Properties/Plats/Surveys		
First Oversized Page	20.00	20.00
Each Additional Oversized Page	5.00	5.00
Additional Fees:		
8. Each Additional Cross Reference	\$1.00	1.00
9. Copies		
Per Page Not Exceeding 8 ½" X 14"	1.00	1.00
Larger Than 8 ½" X 14"	2.00	2.00
10. Certifying or Acknowledging a Document		
Per Document	5.00	5.00
11. Non-Conforming Page		
Per Page	1.00	1.00
Uniform Commercial Codes Fees:		
12. Original Filing, Amendment, Continuation, Termination (2 Pages or Less)	\$9.00	9.00
13. Original Filing, Amendment, Continuation, Termination (3 Page or More)	13.00	13.00
14. UCC Search (1 Name)	10.00	10.00
Each Additional Name	5.00	5.00

(NON-CONFORMING NOTE: Regular documents must be no larger than 8 ½" X 14", at least 10 point type, on white paper of at least 20 lb. weight, no permanently bound or continuous forms, 2" clear margins at the top and bottom of first and last page with ½" margins elsewhere.)

Appendix B: Frequently used Indiana Codes

5-4-1-18	Bonding Elected Officials
5-11-14-1	State Board of Accounts Called Meeting
5-13-6-1	Deposit
5-14-3-2	Public Record Defined
5-14-3-3	Right to Inspect & Copy Records
5-14-3-3.6	Enhanced Access Internet
5-14-3-8.3	Enhanced Access & Protections of Records
5-14-3-9	Denial of Records
36-2-11-8	Access to Instruments in Archival Process
5-24-2	Electronic Signatures
9-17-6	Mobile Homes
10-17-2	Military Discharges
14-21-3	Cemetery & Burial Grounds
30-5-3-3	Recorded Number of POA on Document
32-21	Conveyance Procedures for Real Property
32-21-1-11	Instruments Executed in Foreign Country (Notary)
32-21-2-3	Recording Requirements, Acknowledgement;
32-21-2-3	Address of Grantee or street address of parcel
32-23-2-5	Easements
32-28	Liens
32-28-3-3	Mechanic's Liens
32-28-5	Lien Release
32-28-6	Mechanics Lien Release
32-28-13-5	Statement of Intent to Hold a Common Law Lien
32-29-1-8	Blanket Recordings-Assignments
32-29-5	Mortgage Releases
32-29-5-1	Release of Judgment
32-29-6	Mortgage Release by Title Co
33-42-2-9	Notary Requirements
36-2-11	County Recorders
36-2-7.5	Recording Documents Containing SSN
36-2-11-26	SSN on Instruments Presented for Recording
36-2-7-10	Fee Schedule
36-2-7-1 o(b)(7)	Surveyor's Fee
36-2-7-10(b)(6)	Certification Fee
36-2-7-10(c)	Security Identification Fee
36-2-7-10.1	Bulk Copy Rate
36-2-11-2.5	Recorders Mandated Training
36-2-11-6	Overpayment of Recording Fees
36-2-11-10(3)	Legibility
36-2-11-14	Auditor's Endorsement on Conveyance Documents
36-2-11-15	Affirmation Statement
36-2-11-16	Recording Requirements for Instruments

36-2-11-23	Official Seal
36-2-11 -24	List of Recorded Mortgage Releases for Auditor
36-2-11-16(f)	Recorded Copy Same Effect as Original
36-1-11-16.5	Exceptions to Non-Conforming
36-2-11-27	Payment Methods
36-1-8-11	Payment Types
36-2-17-4	Microfilm
36-2-17-5	Preservation of Records & Recorder in Charge of Records
36-2-7.5-6	Security Identification Fund Deposit