

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 295**

Introduced by Campbell, 25.

Read first time January 15, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the register of deeds; to amend sections  
2 23-1503.01 and 23-1510, Reissue Revised Statutes of  
3 Nebraska; to provide and change requirements for  
4 instruments to be recorded in the office of the register  
5 of deeds; to provide a fee; to provide for applicability;  
6 and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

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

3           23-1503.01 (1) Any instrument submitted for recording in  
4 the office of the register of deeds shall contain a blank space  
5 at the top of the first page which is at least ~~two and one-half~~  
6 three inches by ~~six~~ eight and one-half inches in size for recording  
7 information required by section 23-1510 by the register of deeds.  
8 If this space or the information required by such section is not  
9 provided, the register of deeds may add a page or use the back side  
10 of an existing page and charge for the page a fee established by  
11 section 33-109 for the recording of an instrument. No page may be  
12 attached or affixed to an instrument in such a way as to cover up  
13 any information or printed material on the instrument.

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

23           (3) All instruments submitted for recording shall be on  
24 paper measuring at least eight and one-half inches by eleven inches  
25 and not larger than eight and one-half inches by fourteen inches.

1 The instrument shall be printed, typewritten, or computer-generated  
2 in black ink on white paper of not less than twenty-pound weight  
3 without watermarks or other visible inclusions. The instrument  
4 shall be sufficiently legible to allow for a readable copy to be  
5 reproduced using the method of reproduction used by the register  
6 of deeds. A font size of at least ten points shall be considered  
7 legible. Each signature on an instrument shall be in black or dark  
8 blue ink and of sufficient color and clarity to ensure that the  
9 signature is readable when the instrument is reproduced. Each name  
10 shall be typed, printed, or stamped beneath the original signature.  
11 An embossed or inked stamp shall not cover or otherwise materially  
12 interfere with any part of the instrument.

13 (4) If an instrument does not meet the requirements of  
14 this section:

15 (a) Prior to January 1, 2012, the register of deeds shall  
16 charge an additional fee of ten dollars prior to accepting the  
17 instrument for recording; and

18 (b) On and after January 1, 2012, the register of deeds  
19 shall refuse to record the instrument.

20 (5) This section does not apply to:

21 (a) Instruments signed before the effective date of this  
22 act;

23 (b) Instruments executed outside of the United States;

24 (c) Certified copies of instruments issued by  
25 governmental agencies, including vital records;

1           (d) Instruments signed by an original party who is  
2 deceased or otherwise incapacitated;

3           (e) Instruments formatted to meet court requirements;

4           (f) Federal tax liens;

5           (g) Forms prescribed by the Uniform Commercial Code; and

6           (h) Plats, surveys, or drawings related to plats or  
7 surveys.

8           Sec. 2. Section 23-1510, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           23-1510 (1) The register of deeds shall endorse upon  
11 every instrument properly filed in his or her office for record the  
12 minute, hour, day, month, and year when it was so filed and shall  
13 forthwith enter the same in the proper indices ~~herein~~ provided for  
14 in sections 23-1508 to 23-1517.02.

15           (2) Every instrument presented for recording shall have,  
16 on the first page below the three-inch margin prescribed in section  
17 23-1503.01, the following information or a page reference to the  
18 page in the instrument where the following information can be  
19 found:

20           (a) The name, address, and telephone number of the  
21 individual who prepared the instrument;

22           (b) The name of the taxpayer and a complete mailing  
23 address for any instrument of conveyance;

24           (c) A return address;

25           (d) The title of the instrument;

- 1           (e) All grantors' names;
- 2           (f) All grantees' names;
- 3           (g) Any address required by statute; and
- 4           (h) The legal description of the property and parcel
- 5 identification number.

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

9           Sec. 3. Original sections 23-1503.01 and 23-1510, Reissue  
10 Revised Statutes of Nebraska, are repealed.