

Documentation

And

Fees

Presenters:

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STATUTORY DUTIES

RECORDING

The recording process includes Document Intake, Document Assessment, Administration of Fees, Document Recording & Indexing and Document Return. Each step in the process will be covered separately. Terms will be defined and differing philosophies explored.

GENERAL INFORMATION

Real Property / Personal Property

Real Property is land or anything permanently connected to the land. It can also include mineral, water or wind rights.

Personal Property is commodity that is unattached and can be moved from place to place. Personal Property in the context of the Register of Deeds office is commonly referred to as the Uniform Commercial Code (UCC) filings or Fixture Filings.

Liens placed against Real Property (Mortgages, Federal Tax Liens) have different characteristics than liens placed upon Personal Property (UCC filings). Indexes for real and personal property may be maintained together or separately.

Custody and Recording of documents – KSA 19-1204

19-1204. Custody and recording of documents. (a) The register of deeds shall have custody of and safely keep and preserve all the books, records, deeds, maps, papers and microphotographs deposited or kept in the office of the register of deeds. The register of deeds shall also record, or cause to be recorded, in a plain and distinct handwriting or in another legible manner, in suitable books or other accessible format to be provided and kept in the office of the register of deeds, all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in the office of the register of deeds and left with the register of deeds for that purpose, and shall perform all other duties as are required by law.

(b) The register of deeds shall have the option of recording all such deeds, mortgages, maps, instruments and writings under this section: (1) In books as provided in subsection (a), (2) on computer disks, tapes or other electronically accessed media in accordance with K.S.A. 45-501, or (3) in another manner authorized by statute in accordance with the provisions thereof.

What is Deemed Recording – KSA 58-2224

.....the making of photographic copies of such instruments, papers or documents, or the making of microphotographed copies shall be deemed recording.

Copy and Certified Copy – KSA 58-2230

Certified copies are copies produced from the official recorded document and certified by the Register of Deeds. The cost for certification is \$10.00 plus the copy cost per page (which vary from county to county). Documents entered into evidence in court must be Certified Copies. A certified copy is produced only from official governmental offices. A certified copy cannot be altered in any way. No information or markings can be added or deleted.

The filer of documents sometimes requests 'file stamp' copies. Larger counties may or may not provide this service. One factor in providing this service is tied to the procedure for assessment of documents. When assessment is done during the data-indexing portion of recording, a file stamp copy that has been returned to the filer prior to the completion of the recording process may be a problem if the document in question must be rejected. Workload can also be a factor in the decision to provide this service. As Register of Deeds offices move toward internet access, this issue may disappear.

Forms

Administrative Forms include Mortgage Registration Affidavits, Multi-State Mortgage Affidavits, Real Estate Sales Validation Questionnaires, and Document Re-File Affidavits. Most administrative forms can be provided by the Register of Deeds office or provided by the filer. The property Valuation Division of the Kansas Revenue Department provides the Real Estate Sales Validation Questionnaire.

Document Type Forms (Deed, Mortgage, Releases, etc.) are usually not provided by the Register of Deeds offices. When the office makes available blank forms for the filer, the filer may expect assistance in completing the form. Extreme caution is urged in providing forms and the legal advice to complete the forms.

DOCUMENT INTAKE

How does a Document arrive at the Register of Deeds Office?

Documents can be delivered directly to the Register of Deeds office front counter. Documents presented at the counter can be from persons who come in the office only on an occasional basis or from customers who are in the office daily (professional customer). There's also the delivery by courier e.g. FedEx, UPS.

Each county is different. Tradition, workload and other factors may impact the decision to have separate intake procedures for the occasional and professional customer.

Mail is picked up or delivered to the Register of Deeds office on a daily basis. Mail is processed as received in the office or in batches. Some offices make a distinction between mail that is mailed through express services and those that come via the United States Postal Service. Tradition, workload and other factors may impact the mail process procedures and protocols. Counties that have implemented eRecording will receive documents electronically. The documents will be received as a scanned image of an original ink signed document from a professional submitter through an approved eRecord company. See the "KANSAS UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT" for additional information.

Professional customers are persons who are frequent filers in the office. Some offices have special procedures for professional customers. The professional customer is expected to know more about the requirements and procedures in the office and less assistance is provided for the professional customer. Tradition, workload and other factors may impact the decision to offer separate procedures for the professional customer.

DOCUMENT ASSESSMENT

Document Assessment – Can the Document be recorded?

KSA 19-1213; KSA 58-2209; KSA 58-2211; KSA 58-2221(d)

Document Assessment is the first step in the Recording process. Office procedures for assessment may vary from county to county. In order for the document to be recorded the document must have the required information, be presented in the correct form and must be able to produce a readable copy or image for archival purposes. Documents are assessed for the basic requirements and for the specific requirements of a particular document type. The depth of the examination defines differences between assessment procedures.

Example 1: In some offices, the parties' names are checked against the last recorded document to assure correctness as part of the assessment process. In other counties, the assessment process may only assure that a name appears in the document.

Example 2: In some offices, the legal description requirement may mean that as part of assessment process the Register of Deeds researches the legal description to determine its correctness. In other offices, the legal description requirement may merely mean that a legal description appears on the document. The determination about whether the legal description is valid (exists in that county and is presented in proper form) is performed later in the recording process.

Each office has established procedures concerning assessment of documents. Understanding why procedures are different can strengthen the procedures in every office. The environment in each Register of Deeds office is different. Factors that affect the environment in each office are workload, available resource, customer demands, traditions, etc. One office may determine that increased workloads and fewer resources require them to place more of the burden on the filer to present documents in the correct form with the correct information. Another office may determine that the tradition of providing in-depth examination of the documents is what their customers and citizens of the county require.

Basic Document Requirements

Original Document – KSA 19-1213

First and Second parties / Grantor and Grantee

Signature – KSA 58-2209

Name Printed/Typed Under Signatures – or \$1.00 per document penalty – KSA 28-115

Of Sufficient legibility to produce a clear reproduction – KSA 28-115(e)

Notary (Acknowledgment) – KSA 58-2211

Kansas – State and County (matches the seal), Date, Name in Notary paragraph

Notary Signature, Notary Seal (name printed/typed under signature for impression Seal or \$1.00 penalty), and Expiration date
Out of State – See www.notaries.org for Notary Stamp & Seal requirements

Parties

The parties of the document are the names associated with a particular document. The names are associated with a role that is specific to each document type. The following is a list of role names, the definition of the role in the transaction and the 1st or 2nd part designation when applicable.

- Grantor – Seller or owner of the real property 1st Party, Signs the Document
- Grantee – Buyer or new owner of the real property 2nd Party
- Mortgagor – Borrower (Party varies according to the type of document) 1st Party
- Mortgagee – Lender (Party varies according to the type of document) 2nd Party
- Assignor – Party holding the mortgage 1st Party or Party owning an interest in a lease, or easement
- Assignee – Party receiving the mortgage 2nd Party or Party receiving an interest in a lease or easement
- Affiant – Party who has knowledge of the facts 1st Party
- Public – Receiving notice from Affiant 2nd Party
- Debtor – Borrower 1st Party
- Secured Party – Party who has a financial interest in the collateral 2nd Party

Some documents, as set out by the statutes, do not require acknowledgment. Some examples of these instruments are:

- Federal Tax Liens.....See note at the bottom of the tax lien
- Military Discharge Papers.....See KSA 73-210a
- Ownership Certificates for Cemetery Lots.....See KSA 14-1008
- Certified Land Patents.....See KSA 58-2101
- Certified Copies of Bankruptcy Proceedings.....See KSA 58-2901
- Certified Copies of City Ordinances and Resolution...See KSA 12-153

Rejection Notices – Register of Deeds offices reject documents for various reasons per Statute or office policy. It may be for nonconformance of the Basic Document Requirements or an office policy requiring room on the first page of the document for the recording information. See Exhibit: 1-A; 1-B; 1-C (1-4); 1-D (1-5); 1-E (1-4)

Samples of Recording Stamps, Seals, Receipts and other Recording / Stamps used in the Register of Deeds offices: See Exhibit: 2 – A (1-3)

ADMINISTRATION OF FEES

Accounts

Billing accounts are utilized in some counties to bill customers for transaction fees and/or services provided. Professional Customers may be granted the privilege of paying for multiple transactions with one payment. Some counties may require separate payment with each transaction. Tradition, workload and other factors may impact the decision to offer this service. Some counties establish billing accounts for copies and other services, but require payment with each recording transaction.

Escrow accounts are accounts that have been prepaid by the customer. Transaction fees and service fees are then subtracted from this account on a daily, weekly, or monthly basis. Tradition, workload and other factors may impact the decision to offer this service.

Payment by check is preferred to audit trail purposes, but not required. If a check is presented for a dollar amount more than the fees required, caution is urged in returning cash for the overage. A refund check system or requiring the filer to present a check for the correct dollar amount of the fees is preferred. This eliminates the risk of returning cash in the mail or the possibility of returning cash on a 'bad' check.

Fees

Fees are to be uniform in the State – KSA 28-148

Unique fees are associated with each document type. There are two types of fees associated with the recording process; Recording fees and Mortgage Registration Tax fees. These fees are listed separately on the face of the document. Fees may or may not be a part of the information captured in the index system. Fees are tied to the accounting system for collecting and auditing purposes.

DOCUMENT RECORDING AND INDEXING

Indexes to be maintained as set by Statute:

General Index	KSA 19-1205	Notice Index	KSA 58-3407
Receiving Book	KSA 19-1206	Fee Book	KSA 28-123
Book of Plats	KSA 19-1207	Numerical Index	KSA 19-1209
Statement of Claim / Proof of Notice	KSA 55-1606		
Mortgage Registration Fee Book	KSA 79-3104		

Recording / Filing – KSA 58-2241

Recording a document means that it is indexed and retained permanently in the public record.

Filing a document means that it is placed on file in the Register of Deeds office and may be associated with time limits. Example: UCC Documents, City Ordinances, City Boundaries, Condominium Dedication and Restrictions.

Computer imaging and microfilming systems can blur the line between these two areas. Some offices image or microfilm all documents to comply with the archival requirements and provide easy access to documents. Other offices maintain hard copy files and draw more of a distinction between recording and filing.

Indexes

The term index refers to the ability to quickly locate documents by a particular field of information. The use of computer databases allows for information to be stored, sorted and retrieved by any number of fields. The index is defined by the data captured in each field. Additional data fields may be used for the Document Number, Book/Page, Date, Type of Document, etc. The terminology Document Number Index would be correct, if the system could quickly locate a document by Document Number.

Grantor / Grantee or Tract Index

Grantor / Grantee Index is the commonly used term for the index by name. Kansas requires all Register of Deeds offices to maintain an index of all documents by name.

Tract Index is the commonly used term for an index by legal description. Most Kansas Register of Deeds also maintains a Tract Index.

Indexing

Document indexing: How to catalogue the documents for research and retrieval.

The indexes maintained by the Register of Deeds office contain information by which a document may be located. Kansas Statutes specify the types of indexes that are required. Indexes are maintained in books, on computer or both. Budgetary resources and personal preference influence this decision.

Indexes are built by capturing information from the recorded document. The information in most indexes includes: party names, party roles, legal description, unique identifiers (book/page, document number, date / time) and fees. Some Register of Deeds offices include very specific information in the index while others include basic information and require the researcher to look at the actual document for specific information.

Accuracy and consistency are vital in building indexes for recorded documents. Researchers depend on the index to find the copy of the original document. Inaccurate information in the index may impact the ability of the researcher to complete their part in the real estate transaction.

A copy of the document is created for retention purposes. After these procedures have been completed, the original document will be returned to the person or business that presented the document for recording. KSA 58-2256 and KSA 58-2257

Index Types

Research is performed by searching through lists of information in books or computer indexes. When books are used, research may have to be done in multiple books. Computer indexes store information in such a way that information associated with any document is retrievable in many different ways from one database.

Receiving Index or Reception Book is used to list the daily order of documents received in the office. Information in this index is collected from the unique identifiers applied to each document. Most computer systems have eliminated this book, but the information is still collected for audit and research purposes.

Grantor / Grantee Indexes allow research by name. When researching in book indexes, the search by name will be performed in the General Index and in the Miscellaneous Index. When the name is located in the General Index, the information listed will point to the associated document and the unique identifiers to be used in locating a copy of the actual document. A computer index might allow all documents associated with any given name or legal description to be listed. The researcher again selects the specific document of interest for viewing. Viewing the document using either the book or computer index system can be by hardcopy (paper copy), microfilm or digital image.

A Tract Index allows research by the platted or unplatted legal description. All documents associated with a particular legal description are maintained or listed together. Each county has a particular system for maintaining tract indexes. Some may use a simple alphabetical system for all unplatted legal descriptions. Another variation is to use an alphabetical listing of all plats that is further divided into their individual cities or towns within the county. Researchers use the index book or the computer index to locate and retrieve the actual document for examination. Section / Township / Range or unplatted real property might be indexed in the same or separate books.

Unique Identifiers

Each Register of Deeds office applies unique identifiers to recorded documents. These unique identifiers are used to track the location of a document, the fees assessed and collected, the time and sequential order of the documents and any special circumstances attributed to the recording. Each Register of Deeds office has an established set of procedures concerning the use and application of these unique identifiers. These unique identifiers are used to add the document information into book or computer indexes.

Document Identifiers

- 1) Document Numbers: Sequential Number that is unique to each document
- 2) Book/Page: The book and page where a copy of the document can be located

- 3) Date/Time Stamp: Day and Time that a document was accepted of record. In the case of a dispute, the Day and Time stamp may prove crucial to ownership.

Real Estate Sales Validation Questionnaire Identifiers – KSA 79-1437c; KSA 79-1437f
(SVQ) (Deeds and Affidavits of Equitable Interest)

- 1) Sequential Number: Tracking number
- 2) Book and Page of Document: Cross Reference
- 3) Parcel Number: Unique Number associated with the County Tax and Appraisal System

For SVQ, Department of Revenue Directive 03-041 and list of counties that accept the one-part questionnaire form.

See Exhibit: 3 – A (1-3); 3 – B (1-4), 3 – C

It is very important that all questions are answered on the Sales Validation Questionnaire so the PVD (Property Valuation Department) will not have to contact the Register of Deeds office or the Appraiser's office for clarification. Individual counties will vary in how the original questionnaire is delivered to the Appraiser's office.

Legal Description

Legal descriptions are used to describe the real property involved in the transaction and are commonly referred to as unplatted and platted.

Unplatted legal descriptions are also referred to as land descriptions. These descriptions use a Section / Township / Range designation to identify the real property. It can also be called a metes and bounds description if the description is so worded to include measurements in very specific dimensions and survey readings. For examples see legal description section.

Platted legal descriptions are real property located within a subdivision or real property that has been specifically defined and recorded such as in a Plat. When a Plat is submitted to the county for recording, it must be reviewed by another surveyor. See Plat section for more information.

The information from the legal description whether unplatted or platted is used to build the Tract Index. The degree of detail captured in the index is different from county to county.

REQUIREMENTS BY DOCUMENT TYPE

Abstract of Judgment – Title 28 United States Code Section 3201

A document that is a Civil Filing from the Federal Courts. The Criminal filing is called a Notice of Lien.

Parties: Federal Court 1st party and Individual or Business 2nd party

Requirements: Record as presented by Court

Fees: \$5.00

See Exhibit: 4 – A (1-2)

Affidavit, Affidavit of Fact

Parties: Affiant or Signature 1st party and usually no 2nd party named. In this case, 2nd party is named as “To The Public”

Requirements: Basic except signatures may be simply a subscribed and sworn to acknowledgement rather than a full notary paragraph

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 5 – A, B, C

Affidavit of Equitable Interest

A document or instrument that gives public notice of a legal interest in real property. When a Contract for Deed has been executed or a Promissory Note, this document can be recorded to give public notice that there is an interest in the property.

Parties: Affiant or Signature 1st party and usually no 2nd party named. In this case, 2nd party is named as “To The Public”

Requirements: Basic plus Real Estate Sales Validation Questionnaire and **Affidavit must be signed by the purchaser**

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 6 – A & B

Affidavit of Document Re-File

This form is used in some counties. Other counties require that all re-recorded documents be re-signed and re-notarized. This affidavit requests that a document be re-recorded to correct a clerical error. When a document has been re-signed and re-notarized for re-recording, no Affidavit of Document Re-File is required. The Register of Deeds office determines if the error is a clerical nature on a case-by-case basis. When a legal description is given as the reason the document is being re-recorded, index by the corrected legal description.

Parties: Affiant or Signature 1st party and usually no 2nd party named. In this case, 2nd party is named as “To The Public”

Requirements: Book and page of the document being corrected and statement of the error. Error must be corrected on the original document. Subscribed and Sworn to Signature (notarized).

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 7 – A (1-2)

**** This fee is subject to change in the year 2018 and subsequent years.**

Affidavit of Permanently Affixed Mobile Home and Application to Eliminating Title
- KSA 58-4214

A document form approved by the Title and Registration Bureau Division of Vehicles to eliminate title to a Manufactured/Mobile Home.

Parties: State of Kansas Department of Revenue 1st party and Applicant(s) 2nd party

Requirements: Approved form signed by Title & Registration Bureau, Notary for applicants only, not for the State's representative; other basics apply (original, signatures & typed/printed, legal description)

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 8 – A(1-2)

Assignment of Rents and Profits (CRP) – No mortgage Registration Tax because it is personal property.

Bankruptcy – KSA 58-2901: Filings from a Federal Bankruptcy court. Will be a partial filing of the court case.

Parties: US Bankruptcy court 1st party and the Debtor 2nd party

Requirements: Certified copy from Bankruptcy Court

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 9 – A (1-2)

Cemetery Deed or Certificate – KSA 17-302 and KSA 14-1008: A document that transfers title to a cemetery lot.

Parties: Cemetery Association or owner of the cemetery lot 1st party and Individual(s) or buyer(s) 2nd party

Requirements: *If by Deed* – Basic, however No Transfer Stamp (from Clerk's office) and No Real Estate Sales Validation Questionnaire.

If by cemetery certificate – proper signatures by Cemetery Association and no notary required.

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 10 – A & B

Certification of Death – KSA 58-501

A document that is certified copy from the state Department of Vital Statistics showing the death of an individual. Is open record, but differs from county to county as whether copies are made of the document.

Parties: State 1st party and Individual 2nd party

Requirements: Certified copy from the state

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: None

**** This fee is subject to change in the year 2018 and subsequent years.**

Certified Copies from other Recording Offices - KSA 58-2230: A document certified by another recording office, whether a recording office in Kansas or another State. Recording office can include other Register of Deeds offices in Kansas, District Court, Out-of-state recording office.

Parties: Grantor, Office or Officer certifying document 1st party and To the Public 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 11 – A (1-2)

Condemnation: A document that is issued by a governmental entity to take ownership action on real property.

Parties: Governmental Agency 1st party and property owners 2nd party

Requirements: Record as presented

Fees: None (Some counties require \$18.00 for the first page and \$14.00 for each additional page) **

See Exhibit: 12 - A

Court Records: Documents that are certified copies by the court and presented to be recorded. May include the following types of records: Bankruptcy Orders, Divorce Orders, and Probate Orders. Etc.

Parties: District Court or Federal Court 1st party and Individual or Business as listed 2nd party.

Requirements: Attested or Certified Copies from the Court

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 13 - A

Deed Family

General Warranty Deed – KSA 58-2203: A document or instrument that warrants or guarantees the integrity of title and conveys ownership of real property from one entity to another.

Parties: Grantor, Seller or owner of real property 1st party and Grantee, Buyer or new owner of the real property 2nd party.

Requirements: Basic plus transfer Stamp and Real Estate Sales Validation Questionnaire

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 14 – A

Corporation Deed: A document transferring title or real property from the corporation to another Individual or Business. Document is executed on behalf of the corporation by the president, vice-president, or presiding member or trustee of the corporation. An agent of the corporation or an attorney so authorized may also carry out this action.

Parties: Corporation or Grantor 1st party and Grantee, buyer 2nd party.

Requirements: Basic plus Transfer Stamp and Real Estate Sales Validation Questionnaire

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 15 - A

**** This fee is subject to change in the year 2018 and subsequent years.**

Joint Tenancy Deed – KSA 58-501: A document or instrument that creates a joint tenancy with right of survivorship wherein two individuals (often husband and wife) own equal and undivided interest in a piece of property. Each of the two parties named on the joint tenancy deed will automatically leave the property to the other party upon death.

Parties: Grantor, Seller or owner of real property 1st party and Grantee, Buyer or new owner of the real property 2nd party.

Requirements: Basic plus Transfer Stamp and Real Estate Sales Validation Questionnaire

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 16 - A

Quit Claim Deed – KSA 58-2204: A Document or instrument that limits the warranty or guarantee of the title only to the time the party held the title and conveys all interest or claims in the real property to another party.

Parties: Grantor, Seller or owner of real property 1st party and Grantee, Buyer or new owner of the real property 2nd party.

Requirements: Basic plus Transfer Stamp and Real Estate Sales Validation Questionnaire

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 17 - A

Sheriff's Deed – KSA 60-2416: A document executed by any sheriff or other officer, having been made under any execution, process or judgment of any court of record in this state.

Parties: County Sheriff 1st party and Grantor, Buyer as 2nd party

Requirements: Basic plus transfer Stamp and may include the Real Estate Sales Validation Questionnaire exemption that applies to this deed. PVD has approved taking of Sheriff's Deed without the exemption.

Fees: \$18.00 for the first page and \$14.00 for each additional page**

See Exhibit: 18 - A

Tenancy In Common Deed – KSA 58-501: A document or instrument that creates a tenancy in common to own property, by two or more individuals. Upon death, the interest of the deceased co-tenant will pass to the co-tenant's heirs.

Parties: Grantor, Seller or owner of real property 1st party and Grantee, Buyer or new owner of the real property 2nd party.

Requirements: Basic plus Transfer Stamp and Real Estate Sales Validation Questionnaire

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 19 - A

**** This fee is subject to change in the year 2018 and subsequent years.**

Transfer on Death Deed (TOD) – KSA 59-3501; KSA 59-3502; KSA 59-3503: A document or instrument that conveys ownership of real property from one person to another upon the death of the Grantor(s) or Owner. Deed takes effect only on the death of the party executing the deed.

Transfer on Death Deed may be revoked at any time.

Parties: Grantor, Owner(s) of real property 1st party and Grantee, Individual or beneficiary 2nd party

Requirements: Basic plus Transfer Stamp (No Real Estate Sales Validation Questionnaire)

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 20 – A, B & C

Trustee's Deed: A document that conveys ownership of property from an individual to their own trust. Or a document that conveys ownership of property from a trust to another entity and must be signed by trustee of the trust. An Affidavit of Trust from the trustee is often filed at the same time as the Trustee's Deed.

Parties: Grantor, Individual or Trustee 1st party and Individual or Trustee &/or name of Trust 2nd party

Requirements: Basic. May or may not require a Real Estate Sales Validation Questionnaire.

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 21 – A & B

Easement: A document that grants specific right concerning real property.

Parties: Grantor, owner of real property 1st party and Grantee 2nd party.

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 22 – A

Kansas State Inheritance Tax Order: A document from the state department of revenue stating the disposition of an estate. Includes date of death of the estate holder and can be used to sever joint tenancy ownership.

Parties: State of Kansas 1st party and Individual Named Estate 2nd party

Requirements: As presented by Kansas Department of Revenue

Fees: No fee IF issued directly from the State of Kansas

See Exhibit: 23 - A

Inheritance Tax Order from Other States: A document received from a state other than Kansas stating the disposition of an estate.

Parties: State listed on the document 1st party and Individual Named Estate 2nd party

Requirements: As presented

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: none

**** This fee is subject to change in the year 2018 and subsequent years.**

Lis Pendens – KSA 60-2201: A document giving notice that real property is involved in a court case in another county.

Parties: Court 1st party and Individual or Business 2nd party

Requirements: As presented

Fees: \$5.00

See Example: 24 – A (1-2)

Lis Pendens Release: A file copy of the court judgment concerning the property in question.

Parties: Court 1st party and Individual or Business 2nd party

Requirements: As presented

Fees: No Fee – AGO 85-45

See Example: 25 - A

Memorandum of Lease: A document giving public notice that a lease exists concerning real property.

Parties: Signature Line 1st party and To The Public 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 26 – A (1-2)

Notice of Agreement Establishing a Utility Meter Surcharge

A Memorandum of Agreement to repay certain energy efficiency improvements.

Parties: Signature, Owner of Property 1st party and Utility named 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 27 – A (1-2)

Power of Attorney – KSA 58-652: A document or instrument granting authority (general or specific) to act in the name of property owner or an individual with interest in real property to another party to act on their behalf.

Parties: Signature Line 1st party and Appointee 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 28 – A & B

Resolution or Ordinances – KSA 12-153; KSA 12-517; KSA 12-518: A document filed by a government entity (City or County) changing or making improvements, including to an addition or establishing boundaries.

Parties: City or County 1st party and To The Public as 2nd party

Requirements: Must be signed by Mayor for City and attested by City Clerk, certified with City seal. Must be signed by County Commissioners for County and attested by County Clerk, certified with Clerk's seal.

Fee: No Fee

See Exhibit: 29 – A & B

**** This fee is subject to change in the year 2018 and subsequent years.**

Reverse Vacation Order and Fee – KSA 12-505; KSA 12-506

An order approving a reversal vacation of plat, street, alleys, easements or a public reservation.

Parties: City 1st party and To The Public 2nd party

Requirements: A certified copy of the order by City Clerk

Fees: None

See Exhibit: None

Right of Way: A document stating that one party has extended a right-of-way to another party concerning real property.

Parties: Grantor, owner of real property 1st party and Grantee or Business 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 30 - A

Seizure and Forfeiture – KSA 60-4107; KSA 60-4109(4); KSA 60-4118(f) no fee

A document setting forth notice of pending forfeiture of real property and is not effective until it is recorded

Parties: Signature 1st party and To The Public 2nd party

Requirements: Record as presented

Fees: No Fee

See Exhibit: 31 – A (1-4)

Water Rights – KSA 82a-714; KSA 82a-1038

A document or instrument giving water rights to an applicant or orders of dismissal of water rights

Parties: Grantor being Chief Engineer of Division of Water Resources or State of Kansas 1st party and Individual or Business named or To The Public 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 32 – A (1-2)

Unusual Documents – Must file all documents related to real estate – KSA 58-2221 with AGO 82-164 and AGO 84-48.

Parties: Grantor, signer of document 1st party and Grantee 2nd party

Requirements: Basic

Fees: \$18.00 for the first page and \$14.00 for each additional page **

See Exhibit: 33 – A (1-3); B (1-2); C (11-2)

1-2

**** This fee is subject to change in the year 2018 and subsequent years.**

STATUTES

Abstract of Judgment	US Code 3201
Acknowledgement required	58-2111
Affid of ID etc	58-602, 58-610-617
Affidavit of Equitable Interest	58-3406
Affidavit of Forfeiture	55-201
Affidavit of production	58-205
Agister Lien	58-220
Annexation	12-522
Articles of incorporation	17-6003
Artisan's Lien	58-201-202
Bankruptcy	58-2901
Cemetery	15-1002
Certificate of death	58-501 & 65-2444(g)
Certified copies	19-1213-1215
Change in Streets (Resolution)	14-423 & 15-427
City boundary	12-517 & 518
Clerk Deeds	58-2214-2216
Clerk Transfer & ROD Duties	58-2239 & 58-2240 & 58-2241
Computerized records	45-501
Condemnation	12-846
Custody & recordation	19-1204
Easement & Right of Ways	see various statues for situation
Eminent domain	see various statues for situation
Federal Tax Lien & release	79-2613-2619
Fence viewing	29-304
Fixture filing	84-9-313
Gasoline Tax Lien	79-3413 &
General index	19-1205
Heritage trust fund	58-2336
Joint Tenancy	58-501
Kansas State Inheritance Tax Order	79-1571
Leases etc	58-2531
Lis Pendens	60-2201
Military Discharges	73-210 & 210a
minerals severed	79-420
Mortgage Affidavit	79-3102 (d) (3)
Mortgage Affidavit protest	79-3107 ©

Mortgage as a financing state	33-104
Mortgage Release or Assignment	58-2306 & 58-2318
Multi co/state mortgage affidavit	79-3105 & 79-3106
Notice of Lien	58-2242A
Notary Public	53-501
Numerical indexes	19-1209-1211
Oil and Gas Lease notice of forfeiture	55-201
Ord & res for special districts	12-153
Original signatures	58-2209
Plat (review by county surveyor	58-2005
Plat index	19-1207 & 12-516
Power of attorney	58-601 & 602
Quit Claim Deed	58-2204
Receiving books	19-1206
Recordation of instruments	58-2224
Recording & filing fees	28-115
Recording of instruments	58-2221
Recording requirement	58-2203
Rejection of documents	28-115
Re-recording instruments	58-2209
Resolutions General	12-602
ROD Duties	58-2221
Sales Validation Questionnaire or Certificate of Value Directive 03-041 (back of form and in this chapter)	
Search,copies & fees UCC	84-9-406
See front of mtge section	
Seeding & Bauling & Hay Lien	58-218
Tax Deed	79-2804
Tax lien	28-115
Tech Fund	28-115A
Tenants in Common	58-501
Threshing & Husking Lien	58-203-205
Transfer on Death Deed	59-3501
Trust recording	58-2210
UCC	84-9 on
Vacation	12-504
Vacation or improvements	13-443,12-504 & 58-2613
Veterinary Lien	47-836
Water rights	42-121