

Recording Guidelines

REQUIREMENTS FOR STANDARD DOCUMENTS

RSMo 59.310 and 59.313 prescribe document formatting for real estate recording effective January 1, 2002.

It is important to understand that the law prescribes document formatting -- it does not change statutory requirements for documents to be accepted for recording.

We have these requirements below. If you would like to review the information online, you may check the state website online for the full text of the statutes:

<http://www.moga.mo.gov/mostatutes/stathtml/05900003101.html>

<http://www.moga.mo.gov/mostatutes/stathtml/05900003131.html>

The Recorders Association of Missouri believes that this standardization creates a more efficient and timely recording process for our users. Since this may be a new process for you, we want to help you in any way possible to understand and implement these changes without disruption to your business.

Specific document formatting requirements include:

- ❖ All documents presented for recording must be originals or certified copies.
- ❖ Except for plats and surveys, documents must be presented on 8 1/2" x 11" white or light colored paper of at least 20 lb weight without visible watermarks, logos or other visible inclusions. Plats and surveys may be presented on alternative materials such as Mylar or velum.
- ❖ Documents may consist of multiple pages, which may be stapled together for presentation but should not be permanently bound. Continuous form paper will not be acceptable for multiple page documents.
- ❖ Documents may not have attachments affixed to any page with staples, tape or otherwise, except that firmly attached adhesive labels containing a bar code or return address may be used. (This requirement is intended to prohibit the old practice of taping or stapling legal descriptions on deeds.)
- ❖ The size of all print or typing must be at least 8 point type. Printing must be in black or dark ink. All text, seals, drawings, signatures and other content must be sufficiently legible to produce clear and legible reproductions. If a document contains type smaller than 8 point, or if it is insufficiently legible, it must be accompanied by an exact, legible retyped copy using at least 8 point type to be recorded contemporaneously as additional pages of the document.
- ❖ Documents must have printing on one side only.
- ❖ Documents must have a minimum top margin of 3" (reserved for the Recorder's certification and use) and minimum side and bottom margins of 3/4". Nonessential information such as form numbers, page numbers or "customer notations" may be placed in the margins. Documents may be recorded if minor portions of seals (less than 1/2) or incidental writings extend beyond the margins of the permanent archival record. (RAM's interpretation is that only the first page of a document must have a 3" top margin; subsequent pages may have a 3/4" top margin. If a previously recorded document is to be re-recorded, a new cover page with a 3" top margin and containing the required first page information must be attached to the front of the document.)
- ❖ All signatures must be in black or dark ink of sufficient color and clarity to ensure that when a document is reproduced from the official record, it will be readable. Each signature must have the corresponding name typed, printed or stamped underneath the signature, and the typed, printed or stamped name shall not cover or otherwise materially interfere with any part of the document.

- ❖ The following information **must** appear on the first page of the document below the minimum 3" top margin:
 - ◆ The title of the document – the title need not be identified as such if it is clearly the title
 - ◆ The date of the document – the document date need not be identified as such unless multiple dates appear on the page and the document date is therefore unclear
 - ◆ All grantors' names – grantors should be identified as such, and designations may be compound, such as "assignor/grantor" and multiple
 - ◆ All grantees' names – grantees should be identified as such, and designations may be compound, such as "assignee/grantee" and multiple
 - ◆ Any addresses required by statute – all addresses should be identified as those of the grantors, grantees, trustee, etc.
 - ◆ The legal description of the property – it is sufficient if the legal description begins on the first page, so long as it continues uninterrupted to the second page
 - ◆ Reference book and pages to meet statutory requirements, if applicable
 - ◆ If there is insufficient room on the first page of the document to include all of this information, the document must set out a page reference within the document where the information is located. The required page references may include references to attached exhibits, such as "Exhibit A", etc.

Pre-printed deed forms on letter size paper may be recorded so long as a cover page meeting the previous requirements is affixed to the front. If a document is rejected for failure to meet any one or more of the foregoing requirements, the statute requires the Recorder to state the reasons for the rejection.

- ❖ Documents exempt from the foregoing format requirements include:
 - ◆ Documents signed and notarized before January 1, 2002
 - ◆ Military separation papers
 - ◆ Documents executed outside the United States
 - ◆ Certified copies of documents, including birth and death certificates
 - ◆ Any document where one of the original parties is deceased or otherwise incapacitated – Recorders may request documentation of death or incapacity but that such documentation need not be recorded
 - ◆ Judgments or other documents formatted to meet court requirements
 - ◆ Although the new statute does not specifically so state, RAM has decided on the basis of other statutory authority that the new national UCC forms will be treated as exempt documents for recording purposes