

1 Senate BILL NO. 313
2 INTRODUCED BY Brown, R. Smith

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COUNTY
5 CLERKS TO RECORD AND INDEX INFORMATION REGARDING
6 SUBDIVISIONS; AMENDING SECTIONS 16-2902 AND 16-2905, R.C.M.
7 1947."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 16-2902, R.C.M. 1947, is amended to
11 read as follows:

12 "16-2902. What to be recorded. He must, upon payment
13 of his fees for the same, record, or photograph, or
14 correctly copy, separately, in large and well-bound, or to
15 be bound, separate books, either in a fair hand or by
16 printing or by typewriting, or by photographic process, or
17 by the use of prepared blank forms:

18 1. Deeds, grants, transfers, contracts to sell or
19 convey real estate and mortgages of real estate, releases of
20 mortgages, powers of attorney to convey real estate, and
21 leases which have been acknowledged or proved, and abstracts
22 of such instruments which have been acknowledged or proved;

23 2. The number of lots, the number of acres, the filing
24 date, and the location of the quarter section of each
25 subdivision;

- 1 ~~2~~--3. Certificates of births and deaths;
- 2 ~~3~~--4. Wills devising real estate admitted to probate;
- 3 ~~4~~--5. Official bonds;
- 4 ~~5~~--6. Transcripts of judgments which by law are made
5 liens upon real estate;
- 6 ~~6~~--7. Instruments describing or relating to the
7 separate property of married women, and sole trader
8 judgments;
- 9 ~~7~~--8. All orders and decrees made by the district
10 court in probate matters affecting real estate which are
11 required to be recorded;
- 12 ~~8~~--9. Notice of pre-emption claims;
- 13 ~~9~~--10. Notice and declaration of water rights;
- 14 ~~10~~--11. Assignments for the benefit of creditors;
- 15 ~~11~~--12. Affidavits of annual work done on mining
16 claims;
- 17 ~~12~~--13. Notices of mining locations and declaratory
18 statement;
- 19 ~~13~~--14. Estrays and lost property;
- 20 ~~14~~--15. A book containing appraisalment of state lands;
- 21 ~~15~~--16. Such other writings as are required or
22 permitted by law to be recorded; provided, nothing herein
23 shall be construed as preventing the recording or
24 photographing or copying of such instruments, separately,
25 upon a single or loose page or pages of a book, if such page

1 or pages shall immediately become a part of such book or
2 volume, which, when completed, shall be firmly bound and the
3 pages thereof securely locked or sealed into the volume.

4 Whenever the laws of the state of Montana require or
5 permit any instrument to be recorded, such recording may be
6 made in the manner or by any of the processes hereinbefore
7 prescribed."

8 Section 2. Section 16-2905, R.C.M. 1947, is amended to
9 read as follows:

10 "16-2905. Indexes to be kept. Every county clerk, as
11 ex officio recorder, must keep:

12 1. An index of deeds, grants, and transfers, and
13 contracts to sell or convey real estate, labeled "Grantors,"
14 each page divided into four columns, headed respectively:
15 "Names of grantors," "Names of grantees," "Date of deeds,
16 grants, transfers, or contracts," and "Where recorded";

17 2. An index of deeds, labeled "Grantees," each page
18 divided into four columns, headed respectively: "Names of
19 grantees," "Names of grantors," "Date of deeds, grants,
20 transfers, or contracts," and "Where recorded";

21 3. An index of mortgages, labeled "Mortgages of real
22 property," with the pages thereof divided into six columns,
23 headed respectively: "Names of mortgagor," "Names of
24 mortgagees," "Dates of mortgages," "Where recorded," "When
25 filed," "When canceled";

1 4. An index of mortgages, labeled "Mortgages of real
2 property," with the pages thereof divided into six columns,
3 headed respectively: "Names of mortgagees," "Names of
4 mortgagors," "Date of mortgage," "Where recorded," "When
5 filed," "When canceled";

6 5. An index of mortgages, labeled "Releases of
7 mortgages of real property--Mortgagees," with the pages
8 thereof divided into six columns, headed respectively:
9 "Parties whose mortgages are released," "Parties releasing,"
10 "Date of release," "Where recorded," "Date of mortgages
11 released," "Where mortgages released are recorded."

12 6. An index of powers of attorney, labeled "Powers of
13 attorney," each page divided into five columns, headed
14 respectively: "Names of parties executing powers," "To whom
15 powers are executed," "Date of powers," "Date of recording,"
16 "To whom powers are executed";

17 7. An index of leases, labeled "Leases," each page
18 divided into four columns, headed respectively: "Names of
19 lessors," "Names of lessees," "Date of leases," "When and
20 where recorded";

21 8. An index of leases, labeled "Lessees," each page
22 divided into four columns respectively: "Names of lessees,"
23 "Names of lessors," "Date of leases," "When and where
24 recorded";

25 9. An index of marriage certificates, labeled

1 "Marriage certificate -- Men," each page divided into six
2 columns, headed respectively: "Men married," "To whom
3 married," "When married," "By whom married," "Where
4 married," "Where certificates are recorded";

5 10. An index of marriage certificates, labeled
6 "Marriage certificates -- Women," each page divided into six
7 columns, headed respectively: "Women married," (and under
8 this head placing the family names of the women), "To whom
9 married," "When married," "By whom married," "Where
10 married," "Where certificates are recorded";

11 11. An index of assignments of mortgages and leases,
12 labeled "Assignments of mortgages and leases--Assignors,"
13 each page divided into five columns, headed respectively:
14 "Assignors," "Assignees," "Instruments assigned," "Date of
15 assignment," "When and where recorded";

16 12. An index of assignments of mortgages and leases,
17 labeled "Assignments of mortgages and leases--Assignees,"
18 each page divided into five columns, headed respectively:
19 "Assignees," "Assignors," "Instruments," "Date of
20 assignments," "When and where recorded";

21 13. An index of wills, labeled "Wills," each page
22 divided into four columns, headed respectively: "Names of
23 testators," "Date of wills," "Date of probate," "When and
24 where recorded";

25 14. An index of official bonds, labeled "Official

1 bonds," each page divided into five columns, headed
2 respectively: "Names of officers," "Names of offices," "Date
3 of bonds," "Amount of bonds," "When and where recorded";

4 15. An index of notices of mechanics' liens, labeled
5 "Mechanics' liens," each page divided into three columns,
6 headed respectively: "Parties claiming liens," "Against whom
7 claimed," "Notices, when filed";

8 16. An index to transcripts of judgments, labeled
9 "Transcripts of judgments," each page divided into seven
10 columns, headed respectively: "Judgment debtors," "Judgment
11 creditors," "Amount of judgments," "Where recovered," "When
12 recovered," "When transcript filed," "When judgment
13 satisfied";

14 17. An index of attachments, labeled "Attachments,"
15 each page divided into six columns, headed respectively:
16 "Parties against whom attachments are issued," "Parties
17 issuing attachments," "Notices of attachments," "When
18 filed," "When attachments discharged";

19 18. An index of notices of the pendency of actions,
20 labeled "Notices of actions," each page divided into three
21 columns, headed respectively: "Parties to actions,"
22 "Notices, when recorded," "When filed";

23 19. An index of certificates of sale of real estate
24 sold under execution or under orders made in any judicial
25 proceedings, labeled "Certificates of sale," each page

1 divided into four columns, headed respectively: "Plaintiff,"
2 "Defendant," "Purchaser at sale," "Date of sale";

3 20. An index of the separate property of married women
4 and sole trader judgments labeled "separate property of
5 married women and sole traders," each page divided into five
6 columns, headed respectively: "Names of married women,"
7 "Names of their husbands," "Nature of instruments recorded,"
8 "When recorded," "Where recorded";

9 21. An index to affidavits for annual work done on
10 mining claims, showing the name of the affiant, the name of
11 the claim, where situated, and the year when the work was
12 done, labeled "Annual work on mining claims";

13 22. An index of mining claims and declaratory
14 statements, labeled "Notices of location of mining claims
15 and declaratory statements," each page divided into four
16 columns, headed respectively: "Locators," "Name of claim,"
17 "Notice, when filed," "Where recorded";

18 23. An index to the register of births and deaths;

19 24. An index to notices and declarations of water
20 rights;

21 25. An index to the "Estray and lost property book";

22 26. An index to the record of assignments for the
23 benefit of creditors, containing names of assignor and
24 assignee, date and where recorded, and inventory when filed;

25 27. An index to financing statements as provided in

1 Part 4 of the Uniform Commercial Code -- Secured
2 Transactions;

3 28. An index to filed subdivision plats;

4 28--29. A miscellaneous index, in which must be indexed
5 papers not hereinbefore stated."

6 Section 3. There is a new R.C.M. section that reads as
7 follows:

8 Notwithstanding section 43-517, the duty imposed upon
9 the county clerks by this act is such that related costs are
10 incurred as a part of the clerk's normal operating
11 procedures and does not necessitate a new means of
12 financing.

-End-

STATE OF MONTANA

REQUEST NO. 137-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 313 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to require county clerks to record and index information regarding subdivisions.

FISCAL IMPACT:

Senate Bill 313 will have no impact on state expenditures. The costs to any one county will depend on the number of subdivisions. Many county clerks are currently maintaining cornerstone books in which the required information to be recorded under the proposed law is furnished by the surveyor when subdivisions are filed. It is expected that increased expenditures to counties would be limited to the cost of additional supplies.

Michael J. Bellings
by *Paul Wilson*
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 5, 1975

Reported back from Committee without recommendation, as amended.

SENATE BILL NO. 313

INTRODUCED BY BROWN, R. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COUNTY CLERKS TO RECORD AND INDEX INFORMATION REGARDING SUBDIVISIONS; AMENDING SECTIONS 16-2902 AND 16-2905, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-2902, R.C.M. 1947, is amended to read as follows:

"16-2902. What to be recorded. He must, upon payment of his fees for the same, record, or photograph, or correctly copy, separately, in large and well-bound, or to be bound, separate books, either in a fair hand or by printing or by typewriting, or by photographic process, or by the use of prepared blank forms:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved, and abstracts of such instruments which have been acknowledged or proved;

~~2. The number of lots, the number of acres, the filing date, and the location of the quarter section of each subdivision;~~

~~2. 3.~~ 2. Certificates of births and deaths;
~~3. 4.~~ 3. Wills devising real estate admitted to probate;

~~4. 5.~~ 4. Official bonds;
~~5. 6.~~ 5. Transcripts of judgments which by law are made liens upon real estate;

~~6. 7.~~ 6. Instruments describing or relating to the separate property of married women, and sole trader judgments;

~~7. 8.~~ 7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded;

~~8. 9.~~ 8. Notice of pre-emption claims;

~~9. 10.~~ 9. Notice and declaration of water rights;

~~10. 11.~~ 10. Assignments for the benefit of creditors;

~~11. 12.~~ 11. Affidavits of annual work done on mining claims;

~~12. 13.~~ 12. Notices of mining locations and declaratory statement;

~~13. 14.~~ 13. Estrays and lost property;

~~14. 15.~~ 14. A book containing appraisalment of state lands;

~~15. 16.~~ 15. Such other writings as are required or permitted by law to be recorded; provided, nothing herein shall be construed as preventing the recording or

1 photographing or copying of such instruments, separately,
 2 upon a single or loose page or pages of a book, if such page
 3 or pages shall immediately become a part of such book or
 4 volume, which, when completed, shall be firmly bound and the
 5 pages thereof securely locked or sealed into the volume.

6 Whenever the laws of the state of Montana require or
 7 permit any instrument to be recorded, such recording may be
 8 made in the manner or by any of the processes hereinbefore
 9 prescribed."

10 Section 2. Section 16-2905, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-2905. Indexes to be kept. Every county clerk, as
 13 ex officio recorder, must keep:

14 1. An index of deeds, grants, and transfers, and
 15 contracts to sell or convey real estate, labeled "Grantors,"
 16 each page divided into four columns, headed respectively,
 17 "Names of grantors," "Names of grantees," "Date of deeds,
 18 grants, transfers, or contracts," and "Where recorded";

19 2. An index of deeds, labeled "Grantees," each page
 20 divided into four columns, headed respectively: "Names of
 21 grantees," "Names of grantors," "Date of deeds, grants,
 22 transfers, or contracts," and "Where recorded";

23 3. An index of mortgages, labeled "Mortgages of real
 24 property," with the pages thereof divided into six columns,
 25 headed respectively: "Names of mortgagor," "Names of

1 mortgages," "Dates of mortgages," "Where recorded," "When
 2 filed," "When canceled";

3 4. An index of mortgages, labeled "Mortgages of real
 4 property," with the pages thereof divided into six columns,
 5 headed respectively: "Names of mortgagees," "Names of
 6 mortgagors," "Date of mortgage," "Where recorded," "When
 7 filed," "When canceled";

8 5. An index of mortgages, labeled "Releases of
 9 mortgages of real property--Mortgagees," with the pages
 10 thereof divided into six columns, headed respectively:
 11 "Parties whose mortgages are released," "Parties releasing,"
 12 "Date of release," "Where recorded," "Date of mortgages
 13 released," "Where mortgages released are recorded."

14 6. An index of powers of attorney, labeled "Powers of
 15 attorney," each page divided into five columns, headed
 16 respectively: "Names of parties executing powers," "To whom
 17 powers are executed," "Date of powers," "Date of recording,"
 18 "To whom powers are executed";

19 7. An index of leases, labeled "Leases," each page
 20 divided into four columns, headed respectively: "Names of
 21 lessors," "Names of lessees," "Date of leases," "When and
 22 where recorded";

23 8. An index of leases, labeled "Lessees," each page
 24 divided into four columns respectively: "Names of lessees,"
 25 "Names of lessors," "Date of leases," "When and where

1 recorded";

2 9. An index of marriage certificates, labeled

3 "Marriage certificate -- Men," each page divided into six

4 columns, headed respectively: "Men married," "To whom

5 married," "When married," "By whom married," "Where

6 married," "Where certificates are recorded";

7 10. An index of marriage certificates, labeled

8 "Marriage certificates -- Women," each page divided into six

9 columns, headed respectively: "Women married," (and under

10 this head placing the family names of the women), "To whom

11 married," "When married," "By whom married," "Where

12 married," "Where certificates are recorded";

13 11. An index of assignments of mortgages and leases,

14 labeled "Assignments of mortgages and leases--Assignors,"

15 each page divided into five columns, headed respectively:

16 "Assignors," "Assignees," "Instruments assigned," "Date of

17 assignment," "When and where recorded";

18 12. An index of assignments of mortgages and leases,

19 labeled "Assignments of mortgages and leases--Assignees,"

20 each page divided into five columns, headed respectively:

21 "Assignees," "Assignors," "Instruments," "Date of

22 assignments," "When and where recorded";

23 13. An index of wills, labeled "Wills," each page

24 divided into four columns, headed respectively: "Names of

25 testators," "Date of wills," "Date of probate," "When and

1 where recorded";

2 14. An index of official bonds, labeled "Official

3 bonds," each page divided into five columns, headed

4 respectively: "Names of officers," "Names of offices," "Date

5 of bonds," "Amount of bonds," "When and where recorded";

6 15. An index of notices of mechanics' liens, labeled

7 "Mechanics' liens," each page divided into three columns,

8 headed respectively: "Parties claiming liens," "Against whom

9 claimed," "Notices, when filed";

10 16. An index to transcripts of judgments, labeled

11 "Transcripts of judgments," each page divided into seven

12 columns, headed respectively: "Judgment debtors," "Judgment

13 creditors," "Amount of judgments," "Where recovered," "When

14 recovered," "When transcript filed," "When judgment

15 satisfied";

16 17. An index of attachments, labeled "Attachments,"

17 each page divided into six columns, headed respectively:

18 "Parties against whom attachments are issued," "Parties

19 issuing attachments," "Notices of attachments," "When

20 filed," "When attachments discharged";

21 18. An index of notices of the pendency of actions,

22 labeled "Notices of actions," each page divided into three

23 columns, headed respectively: "Parties to actions,"

24 "Notices, when recorded," "When filed";

25 19. An index of certificates of sale of real estate

1 sold under execution or under orders made in any judicial
 2 proceedings, labeled "Certificates of sale," each page
 3 divided into four columns, headed respectively: "Plaintiff,"
 4 "Defendant," "Purchaser at sale," "Date of sale";

5 20. An index of the separate property of married women
 6 and sole trader judgments labeled "separate property of
 7 married women and sole traders," each page divided into five
 8 columns, headed respectively: "Names of married women,"
 9 "Names of their husbands," "Nature of instruments recorded,"
 10 "When recorded," "Where recorded";

11 21. An index to affidavits for annual work done on
 12 mining claims, showing the name of the affiant, the name of
 13 the claim, where situated, and the year when the work was
 14 done, labeled "Annual work on mining claims";

15 22. An index of mining claims and declaratory
 16 statements, labeled "Notices of location of mining claims
 17 and declaratory statements," each page divided into four
 18 columns, headed respectively: "Locators," "Name of claim,"
 19 "Notice, when filed," "Where recorded";

20 23. An index to the register of births and deaths;

21 24. An index to notices and declarations of water
 22 rights;

23 25. An index to the "Estray and lost property book";

24 26. An index to the record of assignments for the
 25 benefit of creditors, containing names of assignor and

1 assignee, date and where recorded, and inventory when filed;

2 27. An index to financing statements as provided in
 3 Part 4 of the Uniform Commercial Code -- Secured
 4 Transactions;

5 28. An index to filed subdivision plats; CONTAINING
 6 NUMBER, OF LOTS, NUMBER OF ACRES, FILING DATE, AND THE
 7 LOCATION OF THE QUARTER SECTION OF EACH SUBDIVISION.

8 ~~28~~-29. A miscellaneous index, in which must be indexed
 9 papers not hereinbefore stated."

10 Section 3. There is a new R.C.M. section that reads as
 11 follows:

12 Notwithstanding section 43-517, the duty imposed upon
 13 the county clerks by this act is such that related costs are
 14 incurred as a part of the clerk's normal operating
 15 procedures and does not necessitate a new means of
 16 financing.

-End-

SENATE BILL NO. 313

INTRODUCED BY BROWN, R. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COUNTY CLERKS TO RECORD AND INDEX INFORMATION REGARDING SUBDIVISIONS; AMENDING SECTIONS 16-2902 AND 16-2905, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-2902, R.C.M. 1947, is amended to read as follows:

"16-2902. What to be recorded. He must, upon payment of his fees for the same, record, or photograph, or correctly copy, separately, in large and well-bound, or to be bound, separate books, either in a fair hand or by printing or by typewriting, or by photographic process, or by the use of prepared blank forms:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved, and abstracts of such instruments which have been acknowledged or proved;

~~2. The number of lots, the number of acres, the filing date, and the location of the quarter section of each subdivision;~~

~~2. 3.~~ 2. Certificates of births and deaths;

~~3. 4.~~ 3. Wills devising real estate admitted to probate;

~~4. 5.~~ 4. Official bonds;

~~5. 6.~~ 5. Transcripts of judgments which by law are made liens upon real estate;

~~6. 7.~~ 6. Instruments describing or relating to the separate property of married women, and sole trader judgments;

~~7. 8.~~ 7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded;

~~8. 9.~~ 8. Notice of pre-emption claims;

~~9. 10.~~ 9. Notice and declaration of water rights;

~~10. 11.~~ 10. Assignments for the benefit of creditors;

~~11. 12.~~ 11. Affidavits of annual work done on mining claims;

~~12. 13.~~ 12. Notices of mining locations and declaratory statement;

~~13. 14.~~ 13. Estrays and lost property;

~~14. 15.~~ 14. A book containing appraisal of state lands;

~~15. 16.~~ 15. Such other writings as are required or permitted by law to be recorded; provided, nothing herein shall be construed as preventing the recording or

THIRD READING

1 photographing or copying of such instruments, separately,
 2 upon a single or loose page or pages of a book, if such page
 3 or pages shall immediately become a part of such book or
 4 volume, which, when completed, shall be firmly bound and the
 5 pages thereof securely locked or sealed into the volume.

6 Whenever the laws of the state of Montana require or
 7 permit any instrument to be recorded, such recording may be
 8 made in the manner or by any of the processes hereinbefore
 9 prescribed."

10 Section 2. Section 16-2905, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-2905. Indexes to be kept. Every county clerk, as
 13 ex officio recorder, must keep:

14 1. An index of deeds, grants, and transfers, and
 15 contracts to sell or convey real estate, labeled "Grantors,"
 16 each page divided into four columns, headed respectively:
 17 "Names of grantors," "Names of grantees," "Date of deeds,
 18 grants, transfers, or contracts," and "Where recorded";

19 2. An index of deeds, labeled "Grantees," each page
 20 divided into four columns, headed respectively: "Names of
 21 grantees," "Names of grantors," "Date of deeds, grants,
 22 transfers, or contracts," and "Where recorded";

23 3. An index of mortgages, labeled "Mortgages of real
 24 property," with the pages thereof divided into six columns,
 25 headed respectively: "Names of mortgagor," "Names of

1 mortgagees," "Dates of mortgages," "Where recorded," "When
 2 filed," "When canceled";

3 4. An index of mortgages, labeled "Mortgages of real
 4 property," with the pages thereof divided into six columns,
 5 headed respectively: "Names of mortgagees," "Names of
 6 mortgagors," "Date of mortgage," "Where recorded," "When
 7 filed," "When canceled";

8 5. An index of mortgages, labeled "Releases of
 9 mortgages of real property--Mortgagees," with the pages
 10 thereof divided into six columns, headed respectively:
 11 "Parties whose mortgages are released," "Parties releasing,"
 12 "Date of release," "Where recorded," "Date of mortgages
 13 released," "Where mortgages released are recorded."

14 6. An index of powers of attorney, labeled "Powers of
 15 attorney," each page divided into five columns, headed
 16 respectively: "Names of parties executing powers," "To whom
 17 powers are executed," "Date of powers," "Date of recording,"
 18 "To whom powers are executed";

19 7. An index of leases, labeled "Leases," each page
 20 divided into four columns, headed respectively: "Names of
 21 lessors," "Names of lessees," "Date of leases," "When and
 22 where recorded";

23 8. An index of leases, labeled "Lessees," each page
 24 divided into four columns respectively: "Names of lessees,"
 25 "Names of lessors," "Date of leases," "When and where

1 recorded";

2 9. An index of marriage certificates, labeled
3 "Marriage certificate -- Men," each page divided into six
4 columns, headed respectively: "Men married," "To whom
5 married," "When married," "By whom married," "Where
6 married," "Where certificates are recorded";

7 10. An index of marriage certificates, labeled
8 "Marriage certificates -- Women," each page divided into six
9 columns, headed respectively: "Women married," (and under
10 this head placing the family names of the women), "To whom
11 married," "When married," "By whom married," "Where
12 married," "Where certificates are recorded";

13 11. An index of assignments of mortgages and leases,
14 labeled "Assignments of mortgages and leases--Assignors,"
15 each page divided into five columns, headed respectively:
16 "Assignors," "Assignees," "Instruments assigned," "Date of
17 assignment," "When and where recorded";

18 12. An index of assignments of mortgages and leases,
19 labeled "Assignments of mortgages and leases--Assignees,"
20 each page divided into five columns, headed respectively:
21 "Assignees," "Assignors," "Instruments," "Date of
22 assignments," "When and where recorded";

23 13. An index of wills, labeled "Wills," each page
24 divided into four columns, headed respectively: "Names of
25 testators," "Date of wills," "Date of probate," "When and

1 where recorded";

2 14. An index of official bonds, labeled "Official
3 bonds," each page divided into five columns, headed
4 respectively: "Names of officers," "Names of offices," "Date
5 of bonds," "Amount of bonds," "When and where recorded";

6 15. An index of notices of mechanics' liens, labeled
7 "Mechanics' liens," each page divided into three columns,
8 headed respectively: "Parties claiming liens," "Against whom
9 claimed," "Notices, when filed";

10 16. An index to transcripts of judgments, labeled
11 "Transcripts of judgments," each page divided into seven
12 columns, headed respectively: "Judgment debtors," "Judgment
13 creditors," "Amount of judgments," "Where recovered," "When
14 recovered," "When transcript filed," "When judgment
15 satisfied";

16 17. An index of attachments, labeled "Attachments,"
17 each page divided into six columns, headed respectively:
18 "Parties against whom attachments are issued," "Parties
19 issuing attachments," "Notices of attachments," "When
20 filed," "When attachments discharged";

21 18. An index of notices of the pendency of actions,
22 labeled "Notices of actions," each page divided into three
23 columns, headed respectively: "Parties to actions,"
24 "Notices, when recorded," "When filed";

25 19. An index of certificates of sale of real estate

1 sold under execution or under orders made in any judicial
 2 proceedings, labeled "Certificates of sale," each page
 3 divided into four columns, headed respectively: "Plaintiff,"
 4 "Defendant," "Purchaser at sale," "Date of sale";

5 20. An index of the separate property of married women
 6 and sole trader judgments labeled "separate property of
 7 married women and sole traders," each page divided into five
 8 columns, headed respectively: "Names of married women,"
 9 "Names of their husbands," "Nature of instruments recorded,"
 10 "When recorded," "Where recorded";

11 21. An index to affidavits for annual work done on
 12 mining claims, showing the name of the affiant, the name of
 13 the claim, where situated, and the year when the work was
 14 done, labeled "Annual work on mining claims";

15 22. An index of mining claims and declaratory
 16 statements, labeled "Notices of location of mining claims
 17 and declaratory statements," each page divided into four
 18 columns, headed respectively: "Locators," "Name of claim,"
 19 "Notice, when filed," "Where recorded";

20 23. An index to the register of births and deaths;

21 24. An index to notices and declarations of water
 22 rights;

23 25. An index to the "Estray and lost property book";

24 26. An index to the record of assignments for the
 25 benefit of creditors, containing names of assignor and

1 assignee, date and where recorded, and inventory when filed;

2 27. An index to financing statements as provided in
 3 Part 4 of the Uniform Commercial Code -- Secured
 4 Transactions;

5 28. An index to filed subdivision plats; CONTAINING
 6 NUMBER OF LOTS, NUMBER OF ACRES, FILING DATE, AND THE
 7 LOCATION OF THE QUARTER SECTION OF EACH SUBDIVISION.

8 ~~28~~-29. A miscellaneous index, in which must be indexed
 9 papers not hereinbefore stated."

10 Section 3. There is a new R.C.M. section that reads as
 11 follows:

12 Notwithstanding section 43-517, the duty imposed upon
 13 the county clerks by this act is such that related costs are
 14 incurred as a part of the clerk's normal operating
 15 procedures and does not necessitate a new means of
 16 financing.

-End-

SENATE BILL NO. 313

INTRODUCED BY BROWN, R. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COUNTY CLERKS TO RECORD AND INDEX INFORMATION REGARDING SUBDIVISIONS; AMENDING SECTIONS 16-2902 AND 16-2905, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-2902, R.C.M. 1947, is amended to read as follows:

"16-2902. What to be recorded. He must, upon payment of his fees for the same, record, or photograph, or correctly copy, separately, in large and well-bound, or to be bound, separate books, either in a fair hand or by printing or by typewriting, or by photographic process, or by the use of prepared blank forms:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved, and abstracts of such instruments which have been acknowledged or proved;

~~2. The number of lots, the number of acres, the filing date, and the location of the quarter section of each subdivision;~~

~~2. Certificates of births and deaths;~~
~~3. Wills devising real estate admitted to probate;~~
~~4. Official bonds;~~
~~5. Transcripts of judgments which by law are made liens upon real estate;~~
~~6. Instruments describing or relating to the separate property of married women, and sole trader judgments;~~
~~7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded;~~
~~8. Notice of pre-emption claims;~~
~~9. Notice and declaration of water rights;~~
~~10. Assignments for the benefit of creditors;~~
~~11. Affidavits of annual work done on mining claims;~~
~~12. Notices of mining locations and declaratory statement;~~
~~13. Estrays and lost property;~~
~~14. A book containing appraisement of state lands;~~
~~15. Such other writings as are required or permitted by law to be recorded; provided, nothing herein shall be construed as preventing the recording or~~

1 photographing or copying of such instruments, separately,
 2 upon a single or loose page or pages of a book, if such page
 3 or pages shall immediately become a part of such book or
 4 volume, which, when completed, shall be firmly bound and the
 5 pages thereof securely locked or sealed into the volume.

6 Whenever the laws of the state of Montana require or
 7 permit any instrument to be recorded, such recording may be
 8 made in the manner or by any of the processes hereinbefore
 9 prescribed."

10 Section 2. Section 16-2905, R.C.M. 1947, is amended to
 11 read as follows:

12 "16-2905. Indexes to be kept. Every county clerk, as
 13 ex officio recorder, must keep:

14 1. An index of deeds, grants, and transfers, and
 15 contracts to sell or convey real estate, labeled "Grantors,"
 16 each page divided into four columns, headed respectively:
 17 "Names of grantors," "Names of grantees," "Date of deeds,
 18 grants, transfers, or contracts," and "Where recorded";

19 2. An index of deeds, labeled "Grantees," each page
 20 divided into four columns, headed respectively: "Names of
 21 grantees," "Names of grantors," "Date of deeds, grants,
 22 transfers, or contracts," and "Where recorded";

23 3. An index of mortgages, labeled "Mortgages of real
 24 property," with the pages thereof divided into six columns,
 25 headed respectively: "Names of mortgagor," "Names of

1 mortgagees," "Dates of mortgages," "Where recorded," "When
 2 filed," "When canceled";

3 4. An index of mortgages, labeled "Mortgages of real
 4 property," with the pages thereof divided into six columns,
 5 headed respectively: "Names of mortgagees," "Names of
 6 mortgagors," "Date of mortgage," "Where recorded," "When
 7 filed," "When canceled";

8 5. An index of mortgages, labeled "Releases of
 9 mortgages of real property--Mortgagees," with the pages
 10 thereof divided into six columns, headed respectively:
 11 "Parties whose mortgages are released," "Parties releasing,"
 12 "Date of release," "Where recorded," "Date of mortgages
 13 released," "Where mortgages released are recorded."

14 6. An index of powers of attorney, labeled "Powers of
 15 attorney," each page divided into five columns, headed
 16 respectively: "Names of parties executing powers," "To whom
 17 powers are executed," "Date of powers," "Date of recording,"
 18 "To whom powers are executed";

19 7. An index of leases, labeled "Leases," each page
 20 divided into four columns, headed respectively: "Names of
 21 lessors," "Names of lessees," "Date of leases," "When and
 22 where recorded";

23 8. An index of leases, labeled "Lessees," each page
 24 divided into four columns respectively: "Names of lessees,"
 25 "Names of lessors," "Date of leases," "When and where

1 recorded";

2 9. An index of marriage certificates, labeled
3 "Marriage certificate -- Men," each page divided into six
4 columns, headed respectively: "Men married," "To whom
5 married," "When married," "By whom married," "Where
6 married," "Where certificates are recorded";

7 10. An index of marriage certificates, labeled
8 "Marriage certificates -- Women," each page divided into six
9 columns, headed respectively: "Women married," (and under
10 this head placing the family names of the women), "To whom
11 married," "When married," "By whom married," "Where
12 married," "Where certificates are recorded";

13 11. An index of assignments of mortgages and leases,
14 labeled "Assignments of mortgages and leases--Assignors,"
15 each page divided into five columns, headed respectively:
16 "Assignors," "Assignees," "Instruments assigned," "Date of
17 assignment," "When and where recorded";

18 12. An index of assignments of mortgages and leases,
19 labeled "Assignments of mortgages and leases--Assignees,"
20 each page divided into five columns, headed respectively:
21 "Assignees," "Assignors," "Instruments," "Date of
22 assignments," "When and where recorded";

23 13. An index of wills, labeled "Wills," each page
24 divided into four columns, headed respectively: "Names of
25 testators," "Date of wills," "Date of probate," "When and

1 where recorded";

2 14. An index of official bonds, labeled "Official
3 bonds," each page divided into five columns, headed
4 respectively: "Names of officers," "Names of offices," "Date
5 of bonds," "Amount of bonds," "When and where recorded";

6 15. An index of notices of mechanics' liens, labeled
7 "Mechanics' liens," each page divided into three columns,
8 headed respectively: "Parties claiming liens," "Against whom
9 claimed," "Notices, when filed";

10 16. An index to transcripts of judgments, labeled
11 "Transcripts of judgments," each page divided into seven
12 columns, headed respectively: "Judgment debtors," "Judgment
13 creditors," "Amount of judgments," "Where recovered," "When
14 recovered," "When transcript filed," "When judgment
15 satisfied";

16 17. An index of attachments, labeled "Attachments,"
17 each page divided into six columns, headed respectively:
18 "Parties against whom attachments are issued," "Parties
19 issuing attachments," "Notices of attachments," "When
20 filed," "When attachments discharged";

21 18. An index of notices of the pendency of actions,
22 labeled "Notices of actions," each page divided into three
23 columns, headed respectively: "Parties to actions,"
24 "Notices, when recorded," "When filed";

25 19. An index of certificates of sale of real estate

1 sold under execution or under orders made in any judicial
 2 proceedings, labeled "Certificates of sale," each page
 3 divided into four columns, headed respectively: "Plaintiff,"
 4 "Defendant," "Purchaser at sale," "Date of sale";

5 20. An index of the separate property of married women
 6 and sole trader judgments labeled "separate property of
 7 married women and sole traders," each page divided into five
 8 columns, headed respectively: "Names of married women,"
 9 "Names of their husbands," "Nature of instruments recorded,"
 10 "When recorded," "Where recorded";

11 21. An index to affidavits for annual work done on
 12 mining claims, showing the name of the affiant, the name of
 13 the claim, where situated, and the year when the work was
 14 done, labeled "Annual work on mining claims";

15 22. An index of mining claims and declaratory
 16 statements, labeled "Notices of location of mining claims
 17 and declaratory statements," each page divided into four
 18 columns, headed respectively: "Locators," "Name of claim,"
 19 "Notice, when filed," "Where recorded";

20 23. An index to the register of births and deaths;

21 24. An index to notices and declarations of water
 22 rights;

23 25. An index to the "Estray and lost property book";

24 26. An index to the record of assignments for the
 25 benefit of creditors, containing names of assignor and

1 assignee, date and where recorded, and inventory when filed;

2 27. An index to financing statements as provided in
 3 Part 4 of the Uniform Commercial Code -- Secured
 4 Transactions;

5 28. An index to filed subdivision plats CONTAINING
 6 NUMBER OF LOTS, NUMBER OF ACRES, FILING DATE, AND THE
 7 LOCATION OF THE QUARTER SECTION OF EACH SUBDIVISION;

8 ~~28.~~ 29. A miscellaneous index, in which must be indexed
 9 papers not hereinbefore stated."

10 Section 3. There is a new R.C.M. section that reads as
 11 follows:

12 Notwithstanding section 43-517, the duty imposed upon
 13 the county clerks by this act is such that related costs are
 14 incurred as a part of the clerk's normal operating
 15 procedures and does not necessitate a new means of
 16 financing.

-End-