

HOUSE BILL NO. 565

INTRODUCED BY VINGER

IN THE HOUSE

January 29, 1983	Introduced and referred to Committee on Local Government.
February 15, 1983	Committee recommend bill do pass. Report adopted.
February 16, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Judiciary.
March 25, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983	Returned to House with amendments.
April 1, 1983	Second reading, amendments concurred in.

April 4, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 565
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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A
5 DETERMINATION OF LEGIBILITY FOR THE RECORDING OF DOCUMENTS
6 BY THE COUNTY CLERK AND RECORDER; AMENDING SECTION 7-4-2617,
7 MCA."
8

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

10 Section 1. Section 7-4-2617, MCA, is amended to read:

11 "7-4-2617. Procedure to record documents. (1) When any
12 instrument, paper, or notice executed after January 1, 1984,
13 and authorized by law to be recorded is deposited for record
14 in the office of the county clerk, as ex officio recorder,
15 and accompanied by the printed, written, or typed words must
16 be considered legible and legibly reproducible by the
17 recorder before the instrument, papers, or notice may be
18 accepted for recording. Upon determination of legibility
19 and the payment of the required fee, he the county clerk
20 must endorse upon the same the time it was received, noting
21 the year, month, day, hour, and minute of its reception, and
22 the reception of the instrument must be immediately entered
23 in the county clerk and recorder's reception book.

24 (2) The county clerk must record said instrument
25 without delay, together with the acknowledgment, proofs, and

1 certificates written upon or annexed to the same and with
2 the plats, surveys, schedule, and other papers thereto
3 annexed, in the order and as of the time when the same was
4 received for record and must note at the foot of the record
5 the exact time of its reception.

6 (3) The county clerk must also endorse upon each
7 instrument, paper, or notice the time when and the book and
8 pages in which it is recorded and must thereafter deliver
9 it, upon request, to the party leaving the same for record
10 or to his order."

-End-

INTRODUCED BILL

Approved by Comm.
on Local Government

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17 recorder before the instrument, paper, or notice may be
18 accepted for recording. Upon determination of legibility
19 and the payment of the required fee, he the county clerk
20 must endorse upon the same the time it was received, noting
21 the year, month, day, hour, and minute of its reception, and
22 the reception of the instrument must be immediately entered
23 in the county clerk and recorder's reception book.
24 (2) The county clerk must record said instrument
25 without delay, together with the acknowledgment, proofs, and

1 certificates written upon or annexed to the same and with
2 the plats, surveys, schedule, and other papers thereto
3 annexed, in the order and as of the time when the same was
4 received for record and must note at the foot of the record
5 the exact time of its reception.
6 (3) The county clerk must also endorse upon each
7 instrument, paper, or notice the time when and the book and
8 pages in which it is recorded and must thereafter deliver
9 it, upon request, to the party leaving the same for record
10 or to his order."

-End-

SECOND READING

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7 MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 7-4-2617, MCA, is amended to read:
11 "7-4-2617. Procedure to record documents. (1) When any
12 instrument, paper, or notice ~~executed after January 1, 1934,~~
13 ~~and~~ authorized by law to be recorded is deposited for record
14 in the office of the county clerk, as ex officio recorder,
15 ~~and accompanied by the printed, written, or typed words must~~
16 ~~be considered legible and legibly reproducible by the~~
17 ~~recorder before the instrument, paper, or notice may be~~
18 ~~accepted for recording. Upon determination of legibility~~
19 ~~and the payment of the required fee, he the county clerk~~
20 must endorse upon the same the time it was received, noting
21 the year, month, day, hour, and minute of its reception, and
22 the reception of the instrument must be immediately entered
23 in the county clerk and recorder's reception book.
24 (2) The county clerk must record said instrument
25 without delay, together with the acknowledgment, proofs, and

1 certificates written upon or annexed to the same and with
2 the plats, surveys, schedule, and other papers thereto
3 annexed, in the order and as of the time when the same was
4 received for record and must note at the foot of the record
5 the exact time of its reception.
6 (3) The county clerk must also endorse upon each
7 instrument, paper, or notice the time when and the book and
8 pages in which it is recorded and must thereafter deliver
9 it, upon request, to the party leaving the same for record
10 or to his order."

-End-

THIRD READING

March 25, 1983

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 565 be amended as follows:

1. Title, line 6.

Following: "RECORDER"

Insert: "AND THE ADDITION OF A STATEMENT BY THE CLERK TO DOCUMENTS
CONSIDERED NOT LEGIBLE"

2. Page 1, lines 12 and 13.

Strike: "executed after January 1, 1984, and"

3. Page 1, lines 15 through 19.

Strike: "the printed" on line 15, through "county clerk" on line 19.

Insert: "and accompanied by the required fee, he"

4. Page 1.

Following: line 23.

Insert: "(2) If the printed, written, or typed words or numbers are
considered by the clerk and recorder to be illegible and not legibly
reproducible, the clerk and recorder must affix to the recorded
document a statement that the document is illegible and not legibly
reproducible.

Renumber: subsequent subsections.

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 5 DETERMINATION OF LEGIBILITY FOR THE RECORDING OF DOCUMENTS
 6 BY THE COUNTY CLERK AND RECORDER ~~AND THE ADDITION OF A~~
 7 ~~STATEMENT BY THE CLERK TO DOCUMENTS CONSIDERED NOT LEGIBLE;~~
 8 AMENDING SECTION 7-4-2617, MCA."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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 13 instrument, paper, or notice ~~executed after January 1, 1984,~~
 14 ~~and~~ authorized by law to be recorded is deposited for record
 15 in the office of the county clerk, as ex officio recorder,
 16 ~~and accompanied by the printed, written, or typed words must~~
 17 ~~be considered legible and legibly reproducible by the~~
 18 ~~recorder before the instrument, paper, or notice may be~~
 19 ~~accepted for recording. Upon determination of legibility~~
 20 ~~and the payment of the required fee, he the county clerk AND~~
 21 ~~ACCOMPANIED BY THE REQUIRED FEE, HE~~ must endorse upon the
 22 same the time it was received, noting the year, month, day,
 23 hour, and minute of its reception, and the reception of the
 24 instrument must be immediately entered in the county clerk
 25 and recorder's reception book.

1 ~~(2) IF THE PRINTED, WRITTEN, OR TYPED WORDS OR NUMBERS~~
 2 ~~ARE CONSIDERED BY THE CLERK AND RECORDER TO BE ILLEGIBLE AND~~
 3 ~~NOT LEGIBLY REPRODUCIBLE, THE CLERK AND RECORDER MUST AFFIX~~
 4 ~~TO THE RECORDED DOCUMENT A STATEMENT THAT THE DOCUMENT IS~~
 5 ~~ILLEGIBLE AND NOT LEGIBLY REPRODUCIBLE.~~

6 ~~(2)(3)~~ The county clerk must record said instrument
 7 without delay, together with the acknowledgment, proofs, and
 8 certificates written upon or annexed to the same and with
 9 the plats, surveys, schedule, and other papers thereto
 10 annexed, in the order and as of the time when the same was
 11 received for record and must note at the foot of the record
 12 the exact time of its reception.

13 ~~(3)(4)~~ The county clerk must also endorse upon each
 14 instrument, paper, or notice the time when and the book and
 15 pages in which it is recorded and must thereafter deliver
 16 it, upon request, to the party leaving the same for record
 17 or to his order."

-End-