



# MARION COUNTY RECORDER

## How to Avoid Property Transfer Pitfalls & Recording Minefields.

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### **The Marion County Recorder**

- **Records any instrument submitted for recording, providing it meets essential requirements.**
- **Makes all recorded documents a matter of public record.**
- **Files Uniform Commercial Code Instruments.**
- **Supplies copies of any instrument and certifies to those recorded upon request.**
- **Provides public access to all recorded documents.**

# Document's Recorded in the Marion County Recorder's Office

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- Affidavit
- Amendment Assignment
- Assumed Business Name
- Blanket Assignment
- Blanket Releases
- Bond
- City Order to
- City Order to Release
- Contract
- Court Document
- Covenants
- Deed
- Easement
- Environmental Disclosure
- Federal Tax Lien
- Federal Tax Lien Release
- Liens
- Mechanic's Lien
- Mechanic's Lien Release
- Miscellaneous
- Mortgage
- Mortgage Release
- Partial Release
- Plats
- Power of Attorney
- Releases
- Service Discharge
- Sewer Lien
- Sewer Lien Release
- State Highway Right of Way
- Survey
- Trust
- Underground Utility

# Indiana State Law

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- ***IC 36-2-11-10***  
***Recording requirements***
- ***IC 32-21-2***  
***Chapter 2. Recording Process***

# Document Preparation 1

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## Page Requirements

- Page must not be more than 8 1/2" x 11." (Larger documents will be charged an additional fee.)
- White Paper of at least 20 pound weight with clean margins. (Marginal entries will be assessed at an additional fee.)
- First page and last page must have 2 inch margins top and bottom and 1/2 inch side margins.
- Document must be typewritten or computer written in black ink and at least 10 pt. font.
- All text must be legible.

**In Accordance with IC 36-2-11-10, IC 36-2-11-16.5, IC 36-2-11-10**

# Document Preparation 2

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- Grantor, Conveyor, Promisor, Covenantor ...
- Description - the party who transfers title in real property (seller, giver)
- Grantee, Conveyee, Promisee, Covenantee ...
  - Description - the party who receives title to real property (buyer, recipient, ...)
- **In Accordance with IC 36-2-11-12**

# Document Preparation 3

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- Legal Description.
- Commonly known address.
- Legal description may be obtained from the Assessor's or Recorder's Office.
- The Recorder's office will accept a commonly known address. However, the law provides that you must include a legal description for the Assessment.
  - We recommend that you include both the legal description and the commonly known address.
- It is the obligation of the preparer to accurately describe the property in the document.
- **In Accordance with IC 36-2-11-16, IC 32-21-2-3**

# Document Preparation 4

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- Grantor signature must match text exactly and the name typed under the signature.
- Grantee signature must match text exactly and the name typed under the signature.
- Preparer signature and information typed under signature.
- All signatures must be notarized. Notary shall not be a party included in the transaction.
- **In Accordance with IC 36-2-11-16, IC 32-21-2-3**



# Document Preparation 5

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- Grantee's commonly known address.
- This address must be a physical address. **P.O. Boxes are not acceptable.**

**In Accordance with IC 36-2-11-16, IC 32-21-2-3**



# Document Preparation 6

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- Appropriate Fees

**In Accordance with IC 36-2-7**



# Recording 1

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- Auditor - for endorsement.
- Assessor - enter for taxation and sales disclosure form completion.

# Recording 2

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- Recorder's office

NOTE: The recording process may take up to 6 weeks.

# Recording 3

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- Review process
  - The staff will review each document for recording requirement. If the documents are found to lack information or detail the staff will inform you by mail. You will receive a form that explains the information.
- Again, it is the preparers obligation to make sure the document is accurate.

# Recording 4

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- After the documented is received complete, the document is recorded, stamped with the instrument number and dated.
- Entered into the index
- Published to the public

# Recording 5

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- Documents that are accepted for recording that do not have to meet recording requirements.
  - A judgment, an order, or a writ of a court.
  - A will or death certificate.
  - A plat.
  - A survey.



# The Minefields

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- The information given does not include requirements for any other state or federal law regarding the conveyance of real estate.
- It is the obligation of the preparer/presenter to provide the accurate documents and information for each conveyance of property.

# The Minefields cont'd

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- Common errors or lack of information.
  - Incorrect fees
  - Expiration of Notary
  - Incomplete Legal Description
  - Names in body of document do not match signatures
  - Clear and unobstructed copies
  - Real Estate is not in Marion County

# The Minefields cont'd

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- IC 36-2 and IC 32-21 refers specifically to Recording Requirements only.
  - The preparer must include the specific information required by law for the different type of documents.
  - The preparer must follow state law for preparation of liens, mortgage, wills, trust, etc ...
  - The recorder's office is not responsible for reviewing document for any legal requirements except as outlined in IC 36-2 and 32-21 for recording. Including the accuracy of a legal description.

# Questions

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