

Electronic Recording

And ELECTRONIC NOTARIZATION

Effective January 1, 2020

eRecording is a delivery service like email.

- Three steps are involved in eRecording.
 1. The Submitter of a document (digital, tangible, or hybrid of both) uses their encrypted software to upload to an eRecording Vendor, such as: Simplifile, ePN, CSC, and Indecomm.
 2. These Vendors forward these documents to the County Clerk using encrypted software already engaged at the participating County Clerk's offices that accept eRecording.
 3. The County Clerk's office must have encrypted software to complete the documents and return them to the Vendors. Then the Vendors return them to the Submitter.

What do you use today in your office that is like eRecording?

VRS – Voter Registration Systems

- Input information into the database.
- Download electronic signatures from the website.
- Print these images from VRS that have the signatures on the voter registration cards.
- Upload cards into VRS.

eRecording

- Submitter creates documents and/or sends to vendor.
- Vendors download information from Submitter to County Clerk.
- County Clerk accepts the documents, returns them to the Vendors. They return them to the Submitter.

What else do you use today in your office that is like eRecording with no “wet signature”?

SOS – Business Records

- Customer enters information on to the SOS website.
- Customer signs electronically.
- Customer prints the images from SOS database.
- Customer records the electronically signed and sealed **Articles of Incorporation and Assumed Name** at the County Clerk’s office.

Veterans Discharges – DD214

These are recorded with electronic signatures from the VA office.

State Liens and State Lien Releases

from the Kentucky Department of Revenue and Kentucky Division of Unemployment have a digital or rubberstamped stamp signature only.

UCC Fixture Filings have no “wet signature.”

NOTARY PUBLIC

KRS 423.310 (5)

A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

KRS 423.310 (1)(d)

A Notary can certify that a copy of any document, **other than a document that is recorded or in the custody of any federal, state, or local government agency, office, or court**, is a true copy.

- **KRS 382.076...** that a notary public has certified, pursuant to subsection (3) of this section, to be a true and correct copy of the record that was originally in electronic form and bearing an electronic signature.

KENTUCKY ONLINE NOTARY (KRS 423.355)

- May perform electronic notarizations.
- Kentucky SOS requires a certificate of notarial act to be attached to the electronic record. (KRS 423.360)
- KRS 382.076 (3) states: A county clerk shall record a paper copy of a document that was originally in electronic form and that is otherwise entitled to be recorded under the laws of the state, if the paper copy has been certified to be a true and correct copy of the electronic record by a notary public as evidenced by a certificate attached to or made a part of the record.
- KRS 382.076 (8) If the record has been recorded by county clerk and although the record may not have been certified in accordance with the provisions of this section, shall import the same notice to third persons from the time of recording as if the record had been certified in accordance with the provisions of this section.

Example of a Certificate of Notarial Act

(Whether performed with respect to a tangible or electronic record.)

- State of Kentucky
- County of Hardin
- I certify that the foregoing and annexed document entitled Deed, dated January 2, 2020, and containing 5 pages is a true and correct copy of an electronic document bearing 1 or more electronic signatures.
- Executed this January 5, 2020.
- _____
- John Smith
- My commission expires: June 5, 2023
- My notary registration number is 777777.

KRS 423.385 (4)

- A tangible copy of an electronic record containing a notarial certificate may be accepted as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.
- KRS 423.455 Remote notary is required to include a statement on the document: **"This notarial act involved the use of communication technology."**

FILE #: 2019-00004590

KIND: ASSIGNMENT

RECORDED: 10/28/2019 11:57:27 AM

FEE AMT: 50.00

CLINTON COUNTY, OHIO

BRENDA J. HUFF RECORDER

Electronically Recorded

This document had original "wet signatures." Ohio did not require an additional explanation except for

***Electronically Recorded*.**

Submitted electronically by John M Davis Law in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

BK017597PG00631

WAKE COUNTY, NC
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10-01-2019 AT 12:54:34
STATE OF NC REAL ESTATE
EXCISE TAX: \$578.00
BOOK: 017597 PAGE: 00631 - 00632

Submitted electronically by John M Davis Law in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$578.00
Parcel Identifier No. 0215985 Verified by _____ County on the ____ day of _____, 20__
By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: JOHN M. DAVIS ATTORNEY AT LAW, 5630 Six Forks Road, Ste 201, Raleigh, NC 27609

Brief description for the Index: LOT 78, Heathrowe at Durant Trace

THIS DEED made this 1st day of October, 2019, by and between

GRANTOR	GRANTEE
Roger B. Weaver and wife, Gloria P. Weaver 3101 Cub Trail Raleigh, NC 27615	Roger Kosak and wife, Patricia Kosak 9140 Deershire Court Raleigh, NC 27615

The above statement “Submitted electronically...” is listed on the first page of the document. This is an example of another’s state eRecorded document.

Each state that allows eRecording has different guidelines for the requirements of notifying the general public of its existence as an eRecording.

BK017597PG00632

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Ad valorem taxes for current year and subsequent years; Covenants, Easements, Rights of Way and Restrictions of Record

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Roger B. Weaver (SEAL)
Print/Type Name: Roger B. Weaver

By: _____ Gloria P. Weaver (SEAL)
Print/Type Name & Title: _____ Print/Type Name: Gloria P. Weaver

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County or City of Wake

I, the undersigned Notary Public of the County or City of Wake and State aforesaid, certify that Roger B. Weaver and wife, Gloria P. Weaver personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 1st day of October, 2019.

My Commission Expires: 3-25-22
(Affix Seal)

JOHN M DAVIS
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 3-25-2022

John M Davis
John M Davis Notary Public
Notary's Printed or Typed Name

This eRecorded document has original signatures in front of a notary. The state of North Carolina does not require a certificate of notarial act for eRecording like Commonwealth of Kentucky.

If your office is not setup with the software to accept eRecordings, then you will can still receive tangible documents that have been eRecorded in another county.

- POA eRecorded with Jefferson County will have information on the POA that it was eRecorded. This would be the “original document”. This can be filed in another County that does not perform eRecordings. It will contain a Certificate of Notarial Act on the document or attached as a separate page.
- KRS 423.440 (1) effective January 1, 2020 states that a writing or record that appears on its face to have been properly notarized in accordance with KRS 423.300 to 423.455 shall be presumed to have been notarized properly and may be recorded by the clerk.

Kentucky has adopted the following:

- **URPERA**

- Uniform Real Property Electronic Recording Act
- KRS 382.075 effective January 1, 2020
- Needs to adopt PRIA = Property Records Industry Association
- eRecording is a method of delivering and returning documents electronically from a submitter to the recorder.
 - Model 1: paper originals/wet ink signatures and minimal data submitted as a image, like a fax.
 - Model 2: paper originals*/wet ink signatures* indexing data submitted as a image, like a fax, but with more information such as indexing (* = “usually” but not required).
 - Model 3: fully electronic documents, including signatures & notary.

Kentucky has adopted the following:

- **RULNA**

- Aka RULONA
- Revised Uniform Law on Notarial Acts
- KRS 423 effective January 1, 2020
- IPEN = In-Person eNotarization
- RON = Remote Online Notarization
 - MISMO = Mortgage Industry Standards Maintenance Organization

- **UETA**

- Uniform Electronic Transactions Act
- KRS 369 effective August 1, 2000

US Congress has adopted the following:

- **ESIGN**

- Electronic Signatures in Global and National Commerce Act
- Year 2000

- **UPERA**

- Uniform Real Property Electronic Recording Act
- Year 2004

Hardin County Clerk – eRecording

- Effective January 3, 2020 the Hardin County Clerk began eRecording.
- Prior to the first eRecording, the following steps were completed:
- We signed MOU agreements with the vendors:
 - Simplifile, ePN, and CSC.
- The ACH payment deposit agreements were completed with all three vendors.
- We signed an agreement with our Recording software, Cott Systems.
- Cott Systems updated our Recording software to allow eRecording.
- IT security was updated, too.

Hardin County Clerk - eRecording

- Documents appear in a queue. You choose which package to open.
- The transaction screen will appear along with the images of the document.
- Either accept and process the document or reject the document.
- If rejected, then it is returned to the vendor.
- If accepted, then we finish indexing and release to the public.
- About 6 pm that night, the ACH payment is deposited into the Hardin County Clerk's checking account.
- The vendor will email the detailed banking report. (Example-next page.)

E-Recording Banking Report-by email

Simplifile E-recording Banking Report

Detail View

Prepared for: MERANDA CASWELL
 Included Organization: Hardin County
 For the period: 06/22/2020
 Account number: KYCRQN
 Report generated: 06/22/2020 09:43 PM MDT

Charges

NAME	ENTRY	RECORD DATE	TYPE	PG	AMT	TOTAL
Bluegrass Land Title LLC						
Bluegrass Land Title LLC	<u>B 2318 P 803</u>	06/22/2020 09:12 AM EDT	<u>MORTGAGE WITH MERS ASSIGNMENT</u>	23	0.00	126.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 1492 P 139</u>	06/22/2020 09:14 AM EDT	<u>DEEDS</u>	3	0.00	420.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 826</u>	06/22/2020 09:18 AM EDT	<u>MORTGAGE WITH MERS ASSIGNMENT</u>	19	0.00	126.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 1492 P 144</u>	06/22/2020 09:41 AM EDT	<u>DEEDS</u>	3	0.00	160.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 894</u>	06/22/2020 09:51 AM EDT	<u>MORTGAGE</u>	19	0.00	80.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 1492 P 147</u>	06/22/2020 09:57 AM EDT	<u>DEEDS</u>	3	0.00	259.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 926</u>	06/22/2020 09:59 AM EDT	<u>MORTGAGE WITH MERS ASSIGNMENT</u>	17	0.00	126.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 943</u>	06/22/2020 10:00 AM EDT	<u>MORTGAGE</u>	6	0.00	80.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 949</u>	06/22/2020 10:13 AM EDT	<u>MORTGAGE</u>	20	0.00	80.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 2318 P 969</u>	06/22/2020 10:15 AM EDT	<u>MORTGAGE</u>	16	0.00	80.00 <i>A</i>
Bluegrass Land Title LLC	<u>B 1492 P 158</u>	06/22/2020 10:18 AM EDT	<u>DEEDS</u>	3	0.00	220.00 <i>A</i>
					1,757.00	1,757.00
Total of All Charges					1,757.00	1,757.00

Payments

PAYMENT PROCESSING	DESCRIPTION	BANK DATE	ACCOUNT #	AMT	TOTAL
Simplifile ACH: Hardin KY	RecFee0622	06/23/2020	*****3513	0.00	1,757.00 <i>A</i>
Total of All Payments					1,757.00

Document Count: 11

Questions Contact:
 Simplifile Support 800.460.5657, option 3
 5072 North 300 West
 Provo, UT 84604

Debbie Donnelly
Clerk

Daily Detail Receipts Report
Preliminary For the Date of 6/22/2020 on All Workstations

Hardin County Clerk
PO Box 1030
150 N. Provident Way Ste 103
Elizabethtown, KY 42702
(270) 765-2171

Counts/Totals As of 6/22/2020

Cash Total :	\$485.82 +
Check Total :	\$5,831.00 +
Other Pay Total:	\$5,679.53 +
Change Total :	\$97.00 -
<hr/>	
Subtotal :	\$11,899.35
Charge Total :	\$0.00 +
<hr/>	
Grand Total :	\$11,899.35

Number of Cash Payments :	14
Number of Check Payments :	85
Number of Change Payments :	7
Number of Charge Payments :	0
Number of Other Payments :	15
<hr/>	
Number of Receipts :	95
Number of Voids :	0

Charge Information

Open Item Information

Number of Payments on Account :	0
Total Paid on Account :	\$0.00

Other Payment Breakdown

Other Payment Method	Total Count	Total Paid
CREDIT CARD	7	\$3,796.53
ERECORDING	8	\$1,883.00
Total :	15	\$5,679.53

Electronic notarization on erecorded document

The parties hereto state the consideration reflected in this Deed is the FULL CONSIDERATION paid for the property. The Party of the Second Part joins in this Deed for the sole purpose of certifying the consideration pursuant to KRS 382.

IN WITNESS WHEREOF, the Parties have hereunto set their hands, this the day and year first above written.

FIRST PARTY:

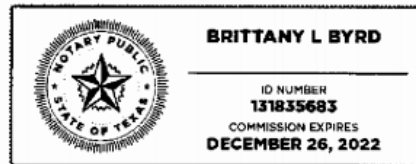
Peter Szillies and Andrea Martin, Trustees of the
Peter W. Szillies and Andrea Martin Revocable
Trust dated September 12, 2003

By: Peter W. Szillies, Trustee
Peter W. Szillies, Trustee

By: Andrea Martin, Trustee
Andrea Martin, Trustee

STATE OF Texas
COUNTY OF Dallas

The foregoing instrument was subscribed, sworn to and acknowledged before me on this 14th day of January, 2020 by Peter W. Szillies, Trustee and Andrea Martin, Trustee of Peter Szillies and Andrea Martin, Trustees of the Peter W. Szillies and Andrea Martin Revocable Trust dated September 12, 2003 dated September 12, 2003, First Party.



Brittany L Byrd

Notary Public
Texas, State at Large
My Commission Expires: 12/26/2022

Notarized online using audio-video communication

Erecorded Document-Label on first page

Type: DEEDS
Kind: DEED
Recorded: 6/22/2020 10:18:34 AM
Fee Amt: \$220.00 Page 1 of 3
Receipt#: 20200007895
Revenue Tax: \$170.00
Hardin County Clerk
Debbie Donnelly Clerk

When Recorded Return To:
Bluegrass Land Title, LLC
4611 North Dixie Avenue
Suite 102
Elizabethtown, KY 42701
ETOWN-20-13617

BK 1492 PG 158 - 160

DEED

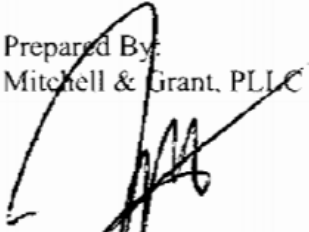
THIS DEED, made and entered into this 19th day of June, 2020, by and between ARP Management Corp., a Kentucky Corporation, First Party, with a mailing address of 215 Commerce Drive, Elizabethtown, KY 42701; AND Carrie Davis and Jeffrey W. Davis, a married couple, Second Party, with a mailing address of 3138 Rineyville Road, Elizabethtown KY 42701

The current year's tax bill to be sent in c/o Carrie Davis and Jeffrey W. Davis at: 3138 Rineyville Road, Elizabethtown KY 42701
WITNESSETH:

THAT, for a valuable consideration of \$170,000.00, the receipt of which is hereby acknowledged, the First Party has BARGAINED AND SOLD and does hereby GRANT AND CONVEY unto Second Party, for and during their joint lives, with the remainder in fee simple to the survivor of them, their heirs and assigns

Erecorded Document-Label on last page

Prepared By:
Mitchell & Grant, PLLC



Jeremy D. Mitchell, Attorney
2800 Palumbo Drive, Ste. 102
Lexington, KY 40509
(859) 266-1611

I, Debbie Donnelly, County Clerk of
Hardin County, Kentucky, hereby certify
that the foregoing instrument has been
duly recorded in my office.


By: MERANDA CASWELL, dc

Kentucky County Clerk Association-Rejections

RECORDING DOCUMENT REJECTION NOTICE

DATE: _____

Documents being returned for the following reason(s):

- Needs Grantor's Mailing Address
- Needs Grantee's Mailing Address
- Needs Back Reference
- Needs Grantor Marital Status
- Needs to Be Notarized
- Missing Signatures
- Needs Legal Description
- Needs Consideration Certificate
- Needs Notary Commission Expiration Date
- Needs Amount of Mortgage
- Needs Preparer's Statement
- Needs Maturity Date
- Needs Fair Market Value
- Incorrect Book & Page Number
- Needs KRS No. Indicating Exemption
- Correct Fees Should Be \$ _____
- Needs "In Care Of" / Tax Mailing Address
- Check needs to be signed

___ Other:

Please make the appropriate adjustments and return for recording.

Thank You,

_____ D.C.