



On behalf of the Kentucky Land Title Association, please consider the following as our response to the Task Force committee's request for a report to outline our suggestions/comments as to the legislation regarding electronic notarizations and electronic recording of real estate documents. From the beginning of this process, our Association has supported any legislative steps or regulations that would serve to bring more uniformity to the process of recording real estate documents with the County Clerks' offices. Our concern lies in the fact that there is not a uniform set of standards or requirements that are used across the board by all of the (120) Clerks' offices to determine if a document will be accepted for recording.

With that as a background, our Association would propose the following;

1. Uniform access and hours of operation – All County Clerks' offices must allow open access to the public of their offices for the purpose of physically reviewing and copying any/all recorded documents. It should be mandated that the Clerks' offices be open to the public at least 40 hours every week unless the County Clerk maintains a website or online database accessible by the public to allow an electronic search of the records. In those counties where the Clerk maintains an electronic database that can be used to search the records, the Clerk's office must remain open to the public at least 30 hours a week.
2. Electronic filing/search engine implementation deadline – By January 1, 2022, all County Clerks shall maintain a website or online database that allows for a person to electronically record any real estate documents. Similarly, by June 30, 2024, every County Clerk shall maintain a website or electronic database accessible by the public that would allow for the records to be electronically searched. This electronic data base would allow for a search of the records back at least 30 years. We would also suggest that by June 30, 2026, the electronic data base for searching the records be extended to 60 years.

Also, in regard to the electronic data base, these records should be available to the general public and no cost, without a requirement that individuals pay a fee to access the electronic records.

3. Grant fund to assist smaller counties to implement the electronic technology – It is our understanding that it may be more difficult financially, based on volume, for the smaller counties to generate the fees necessary to implement the changes and that there has been discussion of a process whereby the Larger County Clerks' could fund

some type of an account whose proceeds could be used by the Clerks in the smaller counties to finance the electronic equipment and technology necessary to implement electronic recording and the electronic data base of recorded documents. We would support this if it is financially feasible, and the most sensible alternative for the Clerks.