

**382.076 Paper copy of electronic record relating to real property -- Certificate --
Notice -- Exception for plats, maps, and surveys.**

- (1) If a law requires that an instrument relating to real property within the Commonwealth, to be admitted to the public record and recorded, be an original, be on paper or another tangible medium, be in writing, or be signed, the requirement shall be satisfied by a paper copy of an electronic record, including an electronic record bearing an electronic signature, 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.
- (2) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied by a paper copy of an electronic document bearing an electronic signature of the person authorized to perform that act, and all other information required to be included, that a notary public has certified, pursuant to subsection (3) of this section, to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature of the person. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.
- (3) 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 this 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. The certificate:
 - (a) Shall:
 1. Be signed and dated by the notary public;
 2. Identify the jurisdiction in which the certification is performed;
 3. Contain the title of the notary public; and
 4. Indicate the number and date of expiration, if any, of the notary public's commission; and
 - (b) May include an official stamp of the notary public affixed to or embossed on the certificate.
- (4) The following form of certificate is sufficient for the purposes of this section, if completed with the information required by subsection (3) of this section:

State of _____
[County] of _____
I certify that the foregoing and annexed document entitled _____
[document title], dated _____ [document date, if applicable],
and containing _____ pages is a true and correct copy of an electronic
document bearing one (1) or more electronic signatures.
Executed this _____ [date].

[Signature of notary public]

Stamp

[_____]

Notary Public

[My commission expires:_____]

[My notary registration number is:_____]

- (5) A notary public duly commissioned under the laws of this Commonwealth or of another state within the United States has the authority to make the certification provided in this section.
- (6) A notary public making the certification provided in this section shall:
 - (a) Personally print or supervise the printing of the electronic document onto paper;
 - (b) Not make any changes or modifications to the electronic document other than the certification described in subsection (3) of this section; and
 - (c) Confirm that the electronic document has been rendered tamper-evident.
- (7) If a certificate is completed with the information required by subsection (3) of this section and is attached to or made a part of a paper record, the certificate shall be considered conclusive evidence that the requirements of this section have been satisfied with respect to the record.
- (8) A record purporting to convey or encumber real property or any interest therein that has been recorded by a clerk for the jurisdiction in which the real property is located, 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.
- (9) This section shall not apply to a plat, map, or survey of real property if under another law of this state, or under a rule, regulation, or ordinance applicable to a clerk:
 - (a) There are requirements of format or medium for the execution, creation, or recording of the plat, map, or survey beyond the requirements applicable to a deed to real property; or
 - (b) The plat, map, or survey must be recorded in a different location than a deed to real property.

Effective: January 1, 2020

History: Created 2019 Ky. Acts ch. 86, sec. 34, effective January 1, 2020.