

1 AN ACT relating to recording of deeds.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 382.110 is amended to read as follows:

- 4 (1) All deeds, mortgages, and other instruments required by law to be recorded to be
5 effectual against purchasers without notice, or creditors, shall be recorded in the
6 county clerk's office of the county in which the property conveyed, or the greater
7 part ***of the property conveyed***~~[thereof]~~, is located.
- 8 (2) No county clerk or deputy county clerk shall admit to record any deed of
9 conveyance of any interest in real property equal to or greater than a life estate,
10 unless the deed plainly specifies and refers to the immediate source from which the
11 grantor derived title to the property or the interest conveyed ***in the deed***~~[therein]~~.
- 12 (3) ***(a)*** An authentic photocopy of any original record may be certified~~[,]~~ as a true,
13 complete, unaltered copy of the original record on file by the official public
14 custodian of the record.
- 15 ***(b)*** A certified copy of a document~~[certified by the official public custodian of~~
16 ~~that document]~~ may be submitted for filing in any other filing officer's
17 jurisdiction as though it were the original record. However, no county clerk or
18 deputy county clerk shall accept for filing any original document or certified
19 copy of any document unless the original document and its certified copy
20 ***conform***~~[conforms]~~ to all statutory requirements for filing the document
21 under KRS Chapter 382.~~[The provisions of]~~
- 22 ***(c)*** This subsection shall apply only to a record generated and filed in Kentucky,
23 and only if the certified copy ***of the record***~~[thereof]~~ is to be utilized in
24 Kentucky. If the record is a foreign record or a Kentucky record to be filed or
25 utilized in a foreign jurisdiction, then this subsection shall not apply and
26 applicable federal, Kentucky, or foreign law shall apply.
- 27 (4) If the source of title is a deed or other recorded writing, the deed offered for record

1 shall refer to the former deed or writing, and give the office, book, and page where
2 recorded, and the date of recording~~[thereof]~~. If the property or interest in the
3 property~~[therein]~~ is obtained by inheritance or in any other way than by recorded
4 instrument of writing, the deed offered for record shall state clearly and accurately
5 how and from whom the title to the property or interest~~[thereto]~~ was obtained by
6 the grantor.

7 (5) If the title to the property or interest conveyed is obtained from two (2) or more
8 sources, the deed offered for record shall plainly specify and refer to each of the
9 sources in the manner provided in subsections (2) and (4) of this section, and shall
10 show which part of the property, or interest in the property~~[therein]~~, was obtained
11 from each of the sources.

12 (6) No grantor shall lodge for record, and no county clerk or deputy shall receive and
13 permit to be lodged for record, any deed that does not comply with~~[the provisions~~
14 ~~of]~~ this section.

15 (7) No clerk or deputy clerk shall be liable for~~[to]~~ the fine imposed by subsection (1) of
16 KRS 382.990 because of any erroneous or false references in any~~[such]~~ deed, nor
17 because of the omission of a reference required by law where it does not appear on
18 the face of the~~[such]~~ deed that the title to the property or interest conveyed was
19 obtained from more than one (1) source.

20 (8) This section does not apply to deeds made by any court commissioner, sheriff, or by
21 any~~[officer of]~~ court officer in pursuance of his or her duty as a court~~[such]~~
22 officer, nor to any deed or instrument made and acknowledged before March 20,
23 1928. No deed shall be invalid because it is lodged contrary to~~[the provisions of]~~
24 this section.

25 (9) A mortgage holder shall file a deed in lieu of foreclosure in the county clerk's office
26 of the county in which the property conveyed, or the greater part of the property
27 conveyed~~[thereof]~~, is located, no later than forty-five (45) days after the date the

1 deed in lieu of foreclosure is executed.

2 (10) (a) A deed filed pursuant to KRS 426.577 shall be filed by the grantee within five
3 (5) business days of receipt of the deed from the commissioner appointed by a
4 court to convey the property.

5 (b) If the property is located within the boundaries of a municipal government
6 and the grantee has not filed the deed from the commissioner within thirty
7 (30) business days of its receipt, the municipal government may file a
8 petition in the Circuit Court of the county where the property is located
9 requesting the court to enter an order:

- 10 1. Compelling the filing of the deed by the grantee; and
11 2. Awarding court costs and attorney's fees incurred in bringing the
12 petition.