



WSACA
Recording Manual –
A Reference Guide
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Preface

How to Use this Manual

This recording manual is a reference guide. As such, it is not a procedures manual. It is a compilation of pertinent information, references, authoritative citations and best practices. In the electronic version, the citations, forms and websites are hyperlinked.

While this manual provides guidance and reference, Auditors are advised to consult with their legal counsel concerning the interpretation of RCWs and WACs related to recording and the implementation of specific procedures.

For employees new to recording, this manual will provide an understanding of the background, history and practical functions of recording in Washington State. For the seasoned employee, this manual will provide a “go to” source for references on specific issues, authoritative citations and best practices.

Recording offices are encouraged to customize each chapter. Documents, such as forms and contracts, can be added at the end of each chapter. Interpretations of the RCWs and specific practices can also be added to each chapter.

Recognition

This manual was made possible through the efforts of many people across the state. Through this manual, their expertise and experience is shared with all counties in our state.

Chelan County – Nina Tapscott

Franklin County – Rania Burbach

King County – Jon Scherer

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Finally, the completion of this manual is due to the persistent encouragement of Pierce County Auditor, Julie Anderson, to “get it done.”

Errata

Please send any corrections or recommendations for changes or additions in future editions to Spokane County:

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I. Purpose and History of Recording

A. The County Auditor as Recorder

1. Statutory Authority for Recording

In the State of Washington, the County Auditor is charged with the responsibility of recording certain documents for public inspection.

RCW 36.22.010
RCW 65.04

Recording encompasses the acts of:

- Receiving the documents,
- Reviewing the documents for formatting requirements,
- Indexing the documents for retrieval,
- Recording the documents in a retrievable method,
- Preserving the documents for permanent retention,
- Providing certified copies to customers, and
- Most importantly, making the records available for public inspection.

In most counties, an elected Auditor performs this duty. Statute provides that in charter counties, the recorder is the official charged with the responsibility for recording public documents; this position is not required to be elected.

2. Other Related Duties

County Auditors frequently group other statutory duties with the recording function. These include marriage licenses and business licenses, among others.

3. Limitations of Authority

The County Auditor's role in recording is one of neutrality and integrity. The Auditor and staff are specifically prohibited from acting as attorneys. Therefore, members of the office are barred from providing legal advice.

RCW 36.22.110

To protect the integrity of the recorded documents, statute is quite clear that recorded documents in the hands of the Auditor are not to be destroyed or altered. This concept of integrity and unaltered chain of custody is fundamental to the reliance the public places on the recorded documents.

RCW 65.04.110(5)

B. The Nature and Importance of Recording ¹

1. History

Before taking a closer look at what is involved from the County Auditor's point of view as to "Recording," it is important to understand the history of what we loosely call "filing and recording" and the significance to perfecting

¹ This section is an edited excerpt from the "County Auditors' Procedures Manual Volume IV Filing and Recording," published in 1973 by WSACA. The manuals were compiled by Ruth Ittner, Project Director and Research Consultant, Institute of Governmental Research, University of Washington. The project was funded in part by a grant from the Higher Education Act of 1965.

property ownership.

In time past, there was no public record of conveyances or instruments indicating in whom title to land was vested and in fact there were initially not even any instruments of transfer of ownership. Ownership of land was shown primarily by the fact of occupancy, and conveyance of the land was accomplished by a more or less formal ceremony called a "livery of seizin" in which some part of the land, a twig or clump of dirt, was symbolically handed over to the new owner.

While conveyances in most countries are today accomplished by far more sophisticated methods than the old "livery of seizin" ceremony, it appears that the American system of land registry is unique. In the United States, the chain of ownership is clear in public documents beginning with the original "charters" from the monarchs.

The necessity of requiring deeds, mortgages, and other instruments to be recorded in some public office was recognized in the preamble to the first recording act of South Carolina, enacted in 1698.

Today, deeds, mortgages, leases, renewal affidavits, plats, miscellaneous records, instruments or documents, marriages, official bonds, patents to land, and numerous other papers and writings are required by state law to be filed and/or recorded.

2. **Meaning of "Filed" and "Recorded"; Ambiguity**

What is meant by the words "filed" and "recorded?" To clarify:

- When an instrument is "recorded" a copy is made and kept by the county auditor and referred to by an index as prescribed by statute, and the original is returned.
- When an instrument is "filed" no copy is made and the original is kept by the county auditor in a file established for that purpose.

Unfortunately, the two words "filed" and "recorded" are used quite loosely in the various statutes. Some state that an instrument is to be "recorded," some that it is to be "filed," some that it is to be "filed for record," and some that it is to be "filed and recorded." Even when an instrument is to be merely "filed," the context and the nature of the instrument often suggest that it should also be recorded.

A new definition in statute during 1991 did little to rectify the confusion. The term "file" was defined as "the act of delivering" a document for recording. But the statute failed to deal with the numerous uses of the word "file" throughout other chapters of the RCWs.

[RCW 65.04.015\(2\)](#)

In some cases, it is difficult to determine whether a given instrument should be filed or recorded. When in doubt, the county auditor should both file and record. Failure to record may cause hurt to the person leaving the instrument with the auditor for which the auditor may be liable. However, there is no apparent harm caused by filing *and* recording. In doing so, the county auditor has done what was required by the law.

3. Significance of "Recording" and of "Filing for Record"

a) *Recording Constitutes Notice to the Public*

The basic purpose of requiring persons to "record" an instrument is to give notice of the subject matter of the instrument to the public. For example RCW 65.08.070 essentially states that the first *recorded* conveyance of real property takes precedence over a previously-executed but unrecorded conveyance of the same real property. Time is of such importance that the citation states "an instrument is deemed recorded the minute it is filed for record."

RCW 65.08.070

This concept of "race to record" was recently confirmed by the Washington State Supreme Court in February 2014 in case ONE WEST BANK, FSB v. Erickson, 2016 WL 455940.

b) *Recorded Instrument Revocable Only by Recording Revocation*

Once an instrument is recorded, revocation of the instrument may be ineffective unless such revocation is also recorded.

RCW 65.08.060 - RCW 65.08.150

Legal instruments that are recorded may not be revoked unless the instrument of revocation is also recorded in the same office as that original instrument. This applies to power of attorney, conveyances of real property and executory contracts for same, letters patent, conveyances of fee title by public bodies, copies of conveyances of real property, and assignment of mortgages.

RCW 65.08.130

c) *Filing for Record Constitutes Legal Delivery*

Recording is a "filing for record" and constitutes legal "delivery."

RCW 65.08.095

d) *Torrens Act -An Alternative Method*

The Torrens Act provides for an alternate method of registration of land titles from that which is commonly used in Washington now. It originated with a man named Sir Richard Torren in Australia and was adopted by the Australian government in 1858. It is used in several parts of the British Empire including Western Canada. It is also used in some states in the United States. Very little land in Washington State is registered under the Torrens Act. The county auditor is the "Registrar of Titles" under the Torrens Act and, therefore, plays an extremely active role in the Torrens method.

RCW 65.12

II. Recording Systems

A. Recording Systems

1. The Basic Purpose of Recording

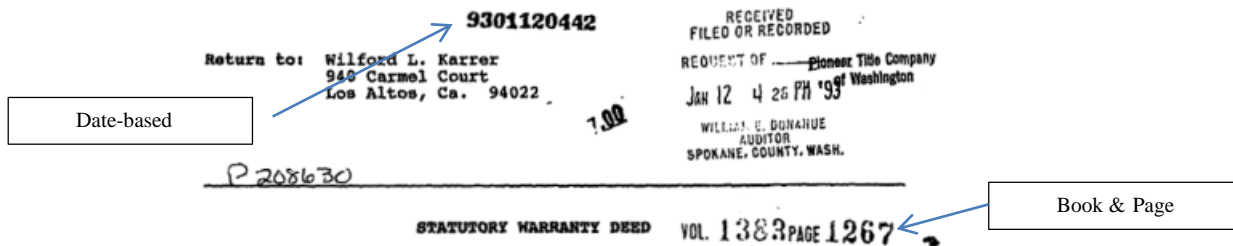
Instruments are recorded in the office of the County Auditor in the county in which the land or any portion thereof is situated. Each county may have a different recording system they use for recording documents. The excise tax is collected in the Treasurer's Office except for King and Pierce County (County Ordinance).

RCW 82.45.090

The purposes of the recording system are to keep an index of all recorded documents and to make the records/images available to the public. Each document is assigned a recording number which is marked in the margin of the document, usually the top or the bottom. This number is commonly referred to as an Auditor File Number (AFN).

2. The Paper Years

Many county offices have recorded documents dating back to the late 1800's. These documents contain a recording number and a volume and page, which are usually stamped on the top or bottom margin of the document. The volume and page refers to where the document can be located in a book or on the microfilm. Volume is sometimes called book.



Clerks hand scribed the contents of the document in huge books. The books were usually separate sheets that were placed on posts. Heavy metal or leather bound covers hooked to the posts to protect the sheets. Recording clerks were valuable for their accuracy, legibility and speed in copying the documents.

In the early years, counties kept track of recorded documents in grantor/grantee index books. The following information for the document was handwritten in the books:

- Date of recording,
- Name of the grantor and grantee,
- Recording number,
- Volume and page for the document,
- Abbreviated legal description for the document

3. Computerized Recording Systems

As counties went to a computerized recording system a record of the index was kept in the system and the images were kept on microfiche or microfilm. Many counties changed the recording number to a consecutive order beginning with the year, month and date the document was recorded. (see example above)


Most counties now use a computerized recording system that assigns a bar coded label or imprint on each document. The document is accepted and recorded using the following basic steps. Different recording systems may perform these steps in slightly different order.

- Enter document title in recording system,
- Collect fee,
- Issue receipt,
- Label/imprint with recording number,
- Scan document,
- Index,
- Verify, and
- Return original document via mail or handed back.

Each county may have different information on the bar coded label or imprint on each document, but the basic information on the label includes:

- Recording number assigned
- Name of cashier
- Number of pages
- Date recorded
- Time recorded
- Document fee
- County Auditor Office and State

05/07/2014 09:54:45 AM 6302790
 Recording Fee \$72.00 Page 1 of 1
 Warranty Deed SPOKANE, COUNTY TITLE CO
 Spokane County Washington



The images made of each recorded document are preserved in the current recording system for each county. This is now the primary copy of the document, rather than microfilm or paper.

Each county process can vary depending on the computerized recording system they use to index. With continuing changes in technology the process for recording will continue to change, and we can expect more documents to be recorded in electronic format versus paper.

B. Electronic Recording

e-Recording is the term used for recording a document that is submitted electronically. A similar process can be used by county treasurers to electronically process real estate excise tax. Not all county auditors choose to record electronically, just as not all county treasurers process real estate excise tax electronically.

1. eRecording Process in Brief

In the eRecording process, the recorder receives the image only; no paper

document is received.

- The image is reviewed by the recorder on the computer screen.
- If accepted, the computer adds an electronic stamp to the image, which takes the place of the bar code label.
- The fee is calculated and collected or “charged” based on the policy the office has set.
- The stamped image is returned electronically to the submitter.
- If rejected, the image and the reasons for rejection are returned to the submitter, usually electronically.

2. Document Requirements

These documents must meet the requirements established in the manual for PRIA eRecording Business Requirements and the Washington State Electronic Recording Standards.

RCW.65.24,
PRIA eRecording
Business Requirements,
Washington State
Electronic Recording
Standards

Electronically submitted documents must meet all Washington state recording requirements that apply to paper documents. Just like paper documents, the electronic document must be rejected if it does not meet the state recording requirements.

In certain charter counties, the excise tax affidavit is reviewed for accuracy and a processing fee or tax is collected based on the Washington Administrative Code for Real Estate Excise Tax.

Additional tasks with eRecording must be done by the recorder before the image is accepted. The image must be reviewed for image clarity and to make sure the full document is scanned.

3. Documents are Electronically Stamped Rather than Labeled

Similar to paper documents, electronic documents receive a “stamp” when recorded. The document is stamped after the document has been accepted with the following information:

- Recording Number
- Text to note document was electronically recorded
- County and state
- Date and time
- Number of pages
- Fee charged

4. Benefits of Electronic Recording

Accepting documents electronically provides benefits for both the recorder and for the customer. For all parties in the transaction, the process takes much less time because the physical transportation of the document is eliminated.

For the recorder, the benefits include:

- Less paper to handle,

- Elimination of postage fees,
- Reduced staff processing time,
- Faster recording, and
- Immediate availability of the document and the index.

For the customer, the benefits include:

- Elimination of postage fees,
- Faster turnaround time of recording,
- Immediate availability of the recorded document, and
- Faster turnaround time for rejections.

5. Administrative Issues

Adding electronic recording to a recording office requires several decisions:

- Who can submit documents into the recording system?
- How will the fees be collected from the submitters?
- How will the queue of waiting documents be managed?
- How will the rejections be processed?

a) Submitters

Determining who can submit documents directly to the recording system is the first decision. The two basic choices are:

- Commercial submitters whose business is to obtain the documents from customers, collect the appropriate fees and return the documents (recorded or rejected) to the customer. The advantages are that the recorder deals with only a small number of businesses and that the submitter is responsible for the performance of the transaction. Submitters charge a fee to the customer for their service; or
- A process open to the public in which anyone can submit a document. While this service is generally free to the customer, the recorder then shoulders the responsibility for collecting the recording fees and must deal with each customer individually.

b) Contracts with Submitters

If a county decides to allow only commercial submitters, a formal contract should be ratified. A model contract is provided in an appendix to this chapter.

The contract should specify the important terms and conditions. Common issues to address are:

- Terms of payment of the recording fees (and excise if applicable in that county),
- The contact names for each office,
- The document types accepted for eRecording,
- Whether and what kind of indexing will accompany the

- submissions,
- The business hours of eRecording, and
- The eRecording cutoff time(s).

c) Fees

Each county auditor collects the recording fees due (and real estate excise tax in certain counties) pursuant to the fees designated by RCW or WAC.

Fees for recording/real estate excise tax may be paid using one or more methods. The Auditor should work closely with their Treasurer and consider the operating procedures of their recording system to determine which method(s) will work in their county. The methods and timing of the payments will likely impact the processes for daily balancing.

The most common methods of accepting payment are:

- ACH,
- eCheck, or
- an escrow account after the account has been set up with the Auditor's office.

III. Recording and Indexing Requirements

A. Recording Requirements

State statute defines a number of recording requirements to ensure that documents presented for recording can be recorded, preserved and accessed in a uniform way through a number of different recording systems in any one of the 39 counties in Washington State. The requirements address topics such as format of document, allowable content of a document, and required content.

1. Format of a Document Presented for Recording

Unless explicitly exempt by law, all pages of a document presented for recording regardless of whether the document is presented in a paper or electronic form must meet the following requirements:

RCW 65.04.045

- Capable of producing legible images, considering paper weight and color,
- Ink color that is capable of being imaged,
- Have a maximum page size of 8 ½ X 14 (except for maps/plats/surveys),
- Have a minimum 8 point font size,
- Contain text that will be readable once the document is imaged,
- Free of items taped or stapled to the page such as sticky notes, and
- Contain seals, when and where appropriate, that are legible and capable of being imaged (pressure seals must be smudged).

Further, the **first page** of a document presented for recording must have:

- A 3-inch margin at the top and a 1-inch margin on the sides and bottom,
- A return address (this is the only thing that can be within the 3-inch top margin),
- A document title or titles,
- Reference numbers (such as an Auditor File Number) of documents assigned or released, if applicable,
- Names of the grantors and grantees with reference to pages where additional names can be found, if applicable,
- Abbreviated legal description (section/township/range/quarter-quarter section or lot/block/plat) and reference to page where full legal is included, if applicable, and
- Assessor's property tax parcel number or account number, if applicable.

All subsequent pages must have a one-inch margin on all sides.

State law does allow minor portions of a notary seal, incidental writing or minor portions of a signature to extend beyond the margin. This is subjective and may result in some variation between counties on what is an acceptable document for recording.

Documents that will not produce a legible copy do not meet the recording requirements and should be rejected for correction. Careful attention should be paid to watermarks and highlighted or shaded portions of documents to ensure that the document will continue to be legible upon recording and when

providing copies. Photographs and colors are generally not reproducible; an option is for the customer to create a black-and-white copy of these pages.

2. Document Content Restrictions

While the Recording Office is prohibited from reviewing the document for legality, completeness or validity, documents presented for recording, except those created by a government agency, may not contain any of the following pieces of information:

RCW 65.04.045

- A social security number,
- A date of birth identified with a particular person,
- The maiden name of a person's parent, if that name can be identified with a particular person.

3. Recording of Copies or Non-Original Documents

Copies and non-original documents can be recorded. There is no requirement in either state or federal laws that the document presented for recording must be an original.

The intent of recording is that the document must be reproducible as when presented for recording. A certified copy of a recorded document is recognized by state law as evidence as though it was the recorded document.

RCW 65.08.110

RCW 5.44.060

In fact, some originals cannot be recorded. For example, some customers mark the first page of their document with a thumbprint using their own blood. That page cannot be reproduced as presented, however a photocopy of that page is reproducible, so the document can be recorded if the first page is a photocopy.

Some offices choose to affix a label to the first page of the document stating that the document is not an original. This policy is a judgment call that should be made in conjunction with the County's legal counsel.

4. Use of a Coversheet to Meet First Page Formatting Requirements

When a document is presented that does not meet the first page format requirements, the document submitter may prepare a coversheet to fulfill the requirements. A coversheet must include all the first page requirements. The coversheet does not need to be separately signed or acknowledged. The customer will be charged the \$1.00 additional page fee for use of a coversheet.

RCW 65.04.047

If using a coversheet when recording a multiple transaction document, all indexing information for each title must be provided.

5. Recording a Document that Does Not Meet the Formatting Requirements

If a document must be recorded immediately but does not meet the margin and/or font size requirements, it may be presented for recording so long as:

RCW 65.04.048

- The document is presented with a properly completed coversheet,
- The document preparer has signed and attached to the document a statement which reads substantially as follows: "I am requesting an emergency nonstandard recording for an additional fee as provided in

RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original documents”, and

- The document submitter pays an additional \$50.00 fee for the nonstandard recording.

Documents submitted under this provision must still meet other formatting requirements. For example, the document must still be legible. If a document is not legible because the font is too small, it must NOT be recorded.

Some documents are specifically exempt from recording requirements. Please see the section immediately below for the details.

6. Documents Exempt from Recording Requirements

Certain documents are exempt from the general recording format requirements. Documents should still be examined by county staff to ensure they will be legible upon recording.

The following documents will be accepted when presented for recording with a properly completed cover sheet:

RCW 65.04.047

- Any record signed or created prior to January 1, 1997
- Birth certificates
- Death certificates
- Out of **country** documents
- Certified copies of documents recorded or filed (court documents)
- Judgments or other court documents formatted to meet court requirements
- Marriage certificates from outside the local county
- DD214 Military Discharge
- Military Power of Attorney
- Original signer is deceased or otherwise incapacitated.

The following documents will be accepted without a cover sheet:

- IRS records such as Federal Tax Liens and Releases
- Department of Health Certificate of Marriage when recorded in the county where the license was issued.

7. Recording a Document Again to Correct an Issue (“Re-recording”)

A “Re-Record” is the term for a document that was previously recorded with an error, and then recorded again to fix the problem.

Occasionally it is necessary for a recording customer to re-record a document that had already been recorded with some kind of error or problem. Examples of these errors include problems with a legal description, an incorrect parcel number, a misspelled name, incorrect county or various other scriveners’ errors that are discovered after a document has been recorded.

The *original document* or a *certified copy of the original document* must be presented for re-recording, with any corrections necessary made by the customer on that original or certified copy. The recording fees must be paid

Re-record due to error in the document is not specifically addressed in statute.

Re-record provisions are based on best practices among the 39 counties.

again.

If the original document is a deed of conveyance for real estate, a new Real Estate Excise Tax affidavit must be submitted and the document for re-record must be stamped again by the appropriate official (usually the Treasurer). WAC 458-61A-217

Some Washington counties require a new cover sheet to be added to the document to be re-recorded. This new cover sheet should provide all of the usual indexing information such as grantors, grantees, and legal description. The new cover sheet should provide the referencing auditor's file number of the incorrectly recorded document, along with a brief reason for the re-record.

The re-recorded document is often a somewhat unattractive document, because it will contain two sets of page labels, two recording labels, and the corrections made for whatever problem caused the need for the re-record. Some counties also use a "re-recorded" rubber stamp on the first page, or sometimes on all of the pages, to clearly identify the document as one that had been re-recorded.

8. Documents that Should NOT be Accepted for Recording

State and Federal law explicitly state that certain documents cannot be recorded. Other documents are occasionally presented for recording but should be properly filed with other offices. The following is a list of common documents that fit these categories along with the state or federal citation, where applicable.

DO NOT RECORD

Recorded at Other Offices

Document	Proper Place	Reference (not hyperlinked)
Abstract of Judgment (Garnishment of Wages of Record upon demand – Public Employee)	Clerk (see garnishment of wages)	RCW 4.64.120
Acceptance by Political Corporation	Recordable if attached to conveyance	RCW 24.03.015
Abandonment of Fictitious Business Names	County Clerk	
Affidavit of Completion – City Name Change	Elections, Secretary of State	RCW 35.62.060
Affidavit as to Unknown Heirs	Courts	RCW 4.28.140
Agreement – Hazardous Waste	Dept. of Ecology and or Health Dept.	RCW 70.105.200
Agreement of Merger – National Banks	Federal	
Alcoholic Beverage License Notice of Intended Transfer	Business License, City or County	RCW 66.24.010
Alcoholic Beverage License		RCW 66.20.160
Annexation – City Certificate of Completion	Elections	RCW 35.13
Annexation – Declaration of Final Ordinance	Elections	RCW 35.13
Articles of Incorporation – Business Associations	Secretary of State	RCW 23.86.055
Articles of Merger	Secretary of State	RCW 23.86.230
Bond, Stop Notice	Person served with Stop Notice	RCW 60.04.221, RCW 39.08.010
Bonded Stop Notice	Construction Lender	RCW 60.04.221, RCW 39.08.010
Bond – Payment (Public Works)	Contracting public entity	RCW 60.04.221, RCW 39.08.010
Brand Names	Secretary of State	RCW 19.77
Brand (Animal)	State Director of Agriculture	RCW 16.57.020
Certificate of Limited Partnership	County Clerk, Secretary of State	RCW 25.10.201
Chattel Mortgage	Dept. of Licensing UCC Division	RCW 61.16.010
Citizenship/Naturalization Papers	Illegal to record or copy	8 U.S.C. 132A
Copyrights (literature)	Register of Copyrights, Library of Congress	
Copyrights (music)	Register of Copyrights, Library of Congress	
Fictitious Business Name	Secretary of State	RCW 24.03.315
Garnishment of Wages (Public Employees)	Controller, Auditor(Payroll) or other disbursing officer	RCW 6.27
Patents	Commissioners of Patents, Washington DC	

Document	Proper Place	Reference (not hyperlinked)
Payment Bond (Public Works)	Contracting Public Entity	RCW 39.08.010
Power of Attorney for Corporate Surety Bonds	County Clerk	
Preliminary Notice	Property Owner or Original Contractor and Construction Lender	RCW 60.04.031
Request for Reconveyance	Trustee	
Trademarks	Secretary of State	RCW 19.77.015

DO NOT RECORD &
DO NOT COPY

Congress, by statute, has forbidden the copying of the following items under certain circumstances. There are penalties of fine or imprisonment imposed on those guilty of making such copies.

- Obligations or securities of the United States government:
 - ◆ Certificates of Indebtedness
 - ◆ United States Bonds
 - ◆ Federal Reserve Bank Notes
 - ◆ National Bank Currency
 - ◆ Treasury Notes
 - ◆ Silver Certificates
 - ◆ Coupons from banks
 - ◆ Federal Reserve Notes
 - ◆ Gold Certificates
 - ◆ Fractional Notes
 - ◆ Certificates of Deposit
 - ◆ Paper money (18 U.S.C. 474)
- Bonds and obligations of certain agencies of the government, such as FHA, etc.
- Bonds (US Savings Bonds) may be photographed only for publicity purposes in connection with the campaign for the sale of such bonds.
- War Savings Stamps, if in albums filled or partially filled. (War Savings Stamps may be photographed but only if the reproduction is either 25% smaller in each dimension or 50% larger in each dimension).
- Postage stamps canceled or uncanceled. (For philatelic purposes, postage stamps may be photographed provided the reproduction is in black and white and is less than 3/4 or more than 1½ times the linear dimensions of the original).
- Adjusted Compensation Certificates for veterans of the World Wars.
- Obligations or securities of any foreign government, bank or corporation.
- Copyrighted material of any manner or kind without permission of the copyright owner.
- Certificates of Citizenship or Naturalization. (Foreign Naturalization Certificates may be photographed). (8 U.S.C. 132 A)
- Passports. (Foreign passports may be photographed).
- Immigration papers. (8 U.S.C. 132 A)
- Draft Registration Cards.
- Selective Service Induction Papers which bear any of the following information:
 - ◆ Registrant's earnings or income
 - ◆ Registrant's dependency status
 - ◆ Registrant's court record
 - ◆ Registrant's previous military service
 - ◆ Registrant's physical or mental condition
 - ◆ Exception: U.S. military discharge certificates may be photocopied.
- Badges, identification cards, passes or insignia carried by military, naval personnel or by members of the various Federal Departments and Bureaus, such as FBI, Treasury, etc. (unless the photograph is ordered by the head of such department or bureau).
- Copying the following is also prohibited in certain states:
 - ◆ Automobile licenses
 - ◆ Driver licenses
 - ◆ Automobile certificates of title

B. Indexing Standards

1. Indexing is Essential for Retrieval

Washington State law requires the recording office maintain an index to the documents recorded in the county. Indexing documents based on information found on the document helps recording office staff as well as the public quickly find specific documents. Many fields are required to be indexed as part of a recording system. Whether or not a particular field is required to be indexed is a function of the type of document being recorded. For example, a power of attorney does not require a legal description when no real property is involved.

RCW 65.04.050

2. Common Indexing Fields

Below are common fields included in the index in a recording system:

Date of Recording – the date a document is recorded. Many times the date is included as part of the unique Auditor File Number or recording number of the document.

Grantor/Grantee – the names of the parties included in the document. Not all parties listed on a document are necessarily included in the grantor/grantee field(s) of the index. Whether or not a name is captured is often a function of the type of document being indexed and the role the party plays in the document. Usually only parties with an interest in what is covered by the document are indexed. The role a party serves in the agreement or document determines what party should be placed in the grantor/grantee field if two separate fields are maintained. For example if the party is giving interest in a piece of property, they would be listed as the grantor.

Document Title – the type of document recorded. The title provides an indication of its function. For example, a document titled a Notice of Trustee Sale refers to notice provided before a trustee sells a property to pay off an outstanding loan. Some titles are fairly specific (Notice of Nitrate Water Quality) and some are fairly generic (Order).

Reference Number – identifying numbers that refer most commonly to previously recorded documents and in the form of the Auditor File Number. Computer recording systems typically use reference numbers to quickly access related documents.

Legal Description – the property legal description. Commonly required on documents that deal with property, the legal description should appear on the first page. If the entire legal description does not appear on the first, an abbreviation with reference to where the entire legal description can be found must be included. Acceptable abbreviations are Lot-Block-Subdivision or Section-Township-Range-quarter-quarter section (i.e. 32-17N-3W NE NE). Some counties accept other variations of an abbreviated legal.

Assessor's Tax Parcel ID Number – the identification number of the property as assigned by the county assessor's office. A tax parcel ID should be included on the front page of documents that require legal descriptions.

3. Automated Indexing Tools

The accuracy of the index is critical to finding a recorded document. For this reason, many recording systems have built-in tools that help automate the indexing process for both accuracy of the data and consistency of the names and terms indexed. These tools include optical character recognition (OCR) and automated indexing (AI). Recording offices also employ rigorous staff training programs and internal procedures such as index verification to ensure the accuracy of their index.

Chapter 3 Exhibit

Document Coversheet

RETURN NAME and ADDRESS

Please Type or Print Neatly and Clearly All Information

Document Title(s)

Reference Number(s) of Related Documents

Grantor(s) (Last Name, First Name, Middle Initial)

Grantee(s) (Last Name, First Name, Middle Initial)

Legal Description (Abbreviated form is acceptable, i.e. Section/Township/Range/Qtr Section or Lot/Block/Subdivision)

Assessor's Tax Parcel ID Number

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy and completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

IV. Document Titles

A. Purpose of Document Titles

All recorded documents must contain a document title or titles. The title indicates the transaction to be recorded. The title is determined by the preparer of the document.

B. Recording Standards for Titles

The exact titles for documents are NOT specified in the RCWs. Instead, the title is determined by the preparer of the document. Because the wording of document titles is not standardized, this can lead to confusion when the recorder reviews the document for acceptance and then indexes the document.

The RCW specifies only that:

RCW 65.04.045(c)

- The document must be presented with title(s);
- The title(s) must appear on the first page; and
- The title(s) must be immediately below the top three inch margin of the first page.

C. Document Title vs. Document Code

1. Definitions

The distinction between the two terms is crucial for the operation of the recording office. As already noted above, the document title is wording the preparer uses to describe the transaction. On the other hand, the document code is the “shorthand” name for a group of similarly-themed documents that each county indexes so that they can find the document later during research.

2. Variances Among Counties for Codes

Each of the 39 counties uses codes that have developed over time. The codes were developed to address the constraints of their various computer systems, their search capabilities and practices within the office.

As a result, counties use different codes for the same transaction. For example, in a 2012 survey of 12 counties, “Short Plat” is entered 9 different ways. “Discontinuance of Trustee Sale” is entered 5 different ways.

Standardizing the codes across all 39 counties is not feasible at this time. First, standard codes have not been developed that will work with the different recording systems in use across the state. Second, standardization would also require changing the indexing of all previously recorded documents; a practical method has not yet been identified to restate all the codes.

3. List of Document Codes

A statewide list of document codes was compiled in 2012 to implement the two tier fee structure of HB 20048 for the Housing Surcharge, which has since been repealed. This list was promulgated by the Department of Commerce. Although the list was an attempt to be as inclusive as possible, it was not intended to be exhaustive. Although the list is no longer in effect for

fee purposes, the final list is presented simply as a reference tool, in an appendix to this chapter.

D. Types of Document Titles

As noted above, document titles are not always specified in the RCWs. In fact, different phrases are used by different preparers to perform exactly the same transaction. Therefore, the recorder may have to visually scan the document to determine the document's function to assign a meaningful document code for indexing purposes. Each Auditor's Office must determine the level of effort that is acceptable in determining the correct transaction type and indexing code.

1. Conveyance

A conveyance documents the transfer of ownership interest in real property. Regardless of the title, the document will generally include a grantor (seller), the grantee (buyer), and the legal description of the property.

A conveyance document must be cleared for Real Estate Excise Tax (REET) before it can be recorded. In most counties, this is done by the Treasurer's Office. In some charter counties, the recording office may be responsible for processing REET.

RCW 82.45

Conveyance documents are usually deeds. Common titles for deeds are:

- Bargain and Sale Deed,
- Deed,
- Executor's Deed,
- Fulfilment Deed,
- Personal Representative's Deed,
- Quit Claim Deed,
- Statutory Warranty Deed,
- Tax Deed, and
- Warranty Deed.

Other titles that convey ownership or right to property are:

- Easement,
- Ingress and Egress Easement,
- Right of Way,
- Sales Agreement, and
- Utility Easement

2. Voluntary Lien

A voluntary lien is a debt created with the debtor's consent. In most of these transactions, the debtor has initiated the action or has participated in the action that generated the debt.

Common titles of voluntary liens are:

- Deed of Trust
- Fixture Filing,
- Lease,

- Mortgage,
- Purchase and Sale Agreement,
- Real Estate Contract,
- Security Agreement, and
- UCC Filing

3. Involuntary Lien

An involuntary lien is a debt created without the debtor's consent. Often, these are the result of a governmental agency action, a court order or an exercise of a specific provision of RCW.

Common titles of involuntary liens are:

- Attachment,
- Code Violation,
- Foreclosure,
- IRS Lien,
- Judgment,
- Mechanic's Lien, and
- Order.

4. Release

A release documents the cancellation or completion of a debt or obligation. Another term frequently used is "reconveyance."

In general, a release document is prepared by or at the request of the lender. Although the borrower may perform the recording, the borrower does not have the legal authority to release their own debts.

Common titles of releases are:

- Deed of Reconveyance,
- Fixture Termination,
- Full Reconveyance,
- Lease Termination,
- Partial Release,
- Reconveyance,
- Release
- Rescission,
- Revocation,
- Satisfaction, and
- Termination.

An oddity to the general rule that there is at least one release for every lien is the IRS lien. Some IRS liens contain a "self-extinguishing" provision that the debts terminates after a specific time period. Because of this, each Auditor's Office should be clear about the exact language to use with customers when verifying the existence of IRS lien documents.

5. Surveys and Maps

Surveys and maps are drawings that identify physical boundaries and

characteristics of specific tracts of land. Surveys provide the basis of reference for the tract while maps are generally used to divide and subdivide the parcel. These are more fully discussed in Chapter 5.

6. Veterans Documents

Veterans can record their report of separation (Form DD214) with the County Auditor at no charge. Veterans' documents are more fully discussed in Chapter 8.

Common titles associated with veterans' documents are:

RCW 73.04.030

- Report of Separation (DD214),
- Request Disclosure of Discharge,
- Request Exemption from Public Disclosure (\$7 Fee), and
- Request for Access of Exemption of Discharge.

7. Public Notice

The primary purpose of recording a document is to provide notice, usually to a small number of potentially interested parties. However, in some situations, the intent of a document is to provide broad notice because the preparer does not know who might need to be aware of the transaction or condition. Therefore, the list of documents related to broad public notice is quite varied.

The more common titles for broad public notice are:

- Abandonment,
- Affidavit,
- Appointment,
- Community Property Agreement,
- Covenants,
- Lis Pendens,
- Living Trust,
- Notice,
- Ordinance,
- Power of Attorney,
- Trust and
- Vacation.

8. Vital Records

Vital records document events in the lives of individual people. These records usually contain a considerable personal information. As such, they are of great interest to genealogists.

The most common vital records recorded are:

- Birth Certificate,
- Death Certificate,
- Divorce Decree,
- Marriage Certificate, and
- Name Change Orders.

E. Multiple Transaction Documents

Rather than prepare a separate documents, a preparer may use one document to perform several transactions at the same time. This possibility is recognized by state law, which provides the authority to collect the appropriate recording fees based on the number of actions in the document.

Of all the documents presented for recording, these multiple transaction documents present the greatest challenge to recorders both for collecting the correct fees and for properly indexing the titles and required fields.

The key concept for the recorder is “Could this document be split into separate documents?” If the answer is yes, then the document is a multiple transaction document.

There are two types of multiple transaction documents – a multiple parcel document and a multiple title document.

1. Multiple Parcel Document

A single document can perform a single action on multiple parcels. The document will normally have a single title but list two or more parcels or previously recorded documents.

An example is a reconveyance that releases numerous deeds of trust. Each release of each deed of trust would be treated as a separate transaction. If ten deeds of trust are released, then the recording fee collected would be for ten transactions.

Another example is a lis pendens recorded by the County Treasurer in preparation for property tax foreclosure actions. In 2015, the 31 page document recorded by the Spokane County Treasurer listed 197 separate properties and resulted in a total recording fee of \$14, 214. The grantor, grantee, parcel number and legal description were indexed for each of the 197 transactions.

2. Multiple Title Document

A single document can perform multiple actions on a single parcel. The document will normally list several titles but will relate to only one parcel or to a related group of parcels. When in doubt, a good practice is to consult with your assigned legal counsel.

The example below is a commercial loan to a group of developers to build a subdivision. This example contains six titles, which resulted in a total recording fee of \$468.

Title	Fee
Deed to Trust	\$73
Security Agreement	\$72
Assignment of Leases	\$72
Assignment of Rents	\$72
Assignment of Contract	\$72
Fixture Filing	\$72
+ Additional Pages	\$35
Total	<u>\$468</u>

Recording Requested By:
After Recording Return to:

UMPUQUA BANK
1111 Third Avenue, Suite 2900
Seattle, WA 98101
Attn: Wendy Romine

09/21/2015 02:26:40 PM 6437385
Recording Fee \$72.00 Page 1 of 35
Deed of Trust FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

09/21/2015 02:26:40 PM 6437386
Recording Fee \$72.00 Page 1 of 1
Assignment FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

09/21/2015 02:26:40 PM 6437387
Recording Fee \$72.00 Page 1 of 1
Assignment of Lease FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

09/21/2015 02:26:40 PM 6437388
Recording Fee \$72.00 Page 1 of 1
Assignment of Rents FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

09/21/2015 02:26:40 PM 6437389
Recording Fee \$72.00 Page 1 of 1
Assignment of Contract FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

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Recording Fee \$72.00 Page 1 of 1
Assignment of Contract FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

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Recording Fee \$72.00 Page 1 of 1
Assignment of Contract FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

09/21/2015 02:26:40 PM 6437389
Recording Fee \$72.00 Page 1 of 1
Assignment of Contract FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington



DEED OF TRUST, SECURITY AGREEMENT,
ASSIGNMENT OF LEASES AND RENTS, ASSIGNMENT OF CONTRACTS AND PLANS,
AND FIXTURE FILING
(Washington)

2507201-62

Grantor(s):	PONDEROSA RIDGE HOMES, LLC, ROCKY HILL HOMES, LLC, ATLAS HOMES, LLC, and GREENSTONE CONSTRUCTION, LLC
Grantee(s):	Trustee: FIRST AMERICAN TITLE INSURANCE COMPANY Beneficiary: UMPQUA BANK
Legal Description (abbreviated):	LOT 2 and 8, BLOCK 2, AND LOTS 1, 2, 6 AND 8, BLOCK 3, LOT 1, BLOCK 4, EAGLE RIDGE 10TH ADD. PHASE 1, VOL. 37, P. 54, SPOKANE COUNTY
30 Complete legal or Parcel A	
Assessor's Tax Parcel Identification No(s):	34072.0902, 34072.1001, 34072.1008, 34072.1009, 34072.0906, 34072.1002, 34072.1101
Reference Nos. of Documents Released or Assigned:	Not Applicable

NOTICE TO RECORDER: THIS DOCUMENT CONTAINS A FIXTURE FILING AND SHOULD BE FILED
AND INDEXED IN THE REAL ESTATE RECORDS NOT ONLY AS A DEED OF TRUST, BUT ALSO AS A
FIXTURE FILING.

09/21/2015 02:26:40 PM 6437389
Recording Fee \$72.00 Page 1 of 1
Assignment of Contract FIRST AMERICAN TITLE INSURANCE COMPANY
Spokane County Washington

V. Maps and Surveys

A. General Overview

RCW 58.09.110

1. Auditor Responsibility

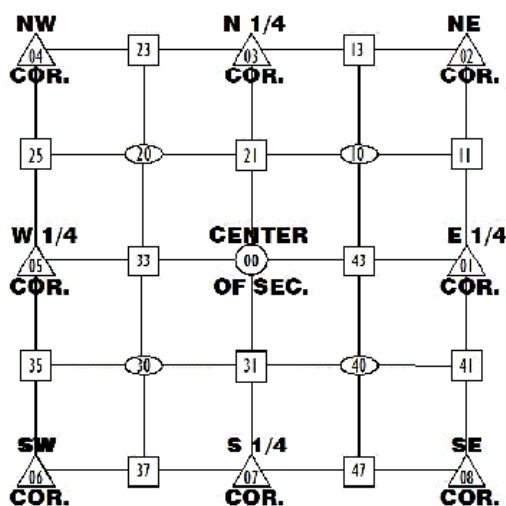
Maps differ from all other recorded documents in two ways. In formatting, maps are drawings that provide a visual representation of real property. In enabling statute, they are governed by a distinct set of RCWs and by rules developed by the State Department of Natural Resources.

Unlike other original recorded documents which are returned to the presenter, original maps are recorded and retained by the County. The County can obtain an exemption from the retention requirement from the Secretary of State's Office if certain digital recording requirements are met. In addition, the maps (original, copies or digital copies) must be sent to the Department of Natural Resources each month.

Like other recorded documents, the County Auditor is responsible for recording, indexing and maintaining permanent copies of maps. Maps must be available for the public to view and to obtain copies. However, specific state RCW, WAC and local standards (certain map requirements are defined by county or city codes) must be followed.

2. History of Maps

The General Land Office (GLO) was created in 1812 to oversee the surveying and platting of the public lands in the Western United States. The GLO started platting Washington in the early 1850s. The land was divided into square miles, called Sections, with controlling corners being set every half mile (see illustration). Monuments were placed at the corners and trees, known as bearing trees, were marked nearby to reference the corner. These original corners were to govern the property lines within, even if the corners were destroyed.



Except for surveys, the Auditor's Office has recorded most maps since the beginning of land records. Land development in the state's early settlement

depended upon the recording of maps that divided land ownership into plats.

Prior to the enactment of the Survey Recording Act of 1973, surveys were not required to be recorded. Stakeholders considered the County Engineers Offices and County Auditor's Offices as the local unofficial repository. Many unrecorded maps can be found at the Washington State Department of Natural Resources, Public Land Survey Office.

DNR PLO

<http://www.dnr.wa.gov/public-land-survey-office>

The Survey Recording Act, RCW 58.09, was approved by the Legislature and was enacted in July 1973. The Auditor's Office was selected since they were a public office with procedures in place for preserving documents, indexing data fields, and collecting fees. Auditors Offices were also familiar with making documents available for public inspection, providing copies and assisting the public.

RCW 58.09

3. Types of Surveys and Maps

a) Surveys

Survey is the action of determining and analyzing deeds or legal descriptions through measurement and evaluation of evidence. Measurement of a tract of land by description and its boundaries in relation to established monuments provides information relative to the actual positioning and location of the tract. A *survey drawing* provides the written and graphic presentation of those measurements and positions.

A survey is usually performed for the current owner of the property. It may be needed to settle a boundary dispute between neighbors, to clarify a vague boundary or to determine the location of a particular parcel of land.

In Washington State, only a licensed surveyor can perform a survey and prepare a survey drawing.

The most common types of survey documents are:

- record of survey,
- land corner records, and
- surveys for temporary monument removal.

b) Maps

A map is a type of survey. The primary purpose of a map is to divide or subdivide a tract of land, providing specific characteristics, such as legal descriptions (often lot and block), easements, roads and right-of-ways.

The most common types of maps are:

RCW 58.17.020 (6)
RCW 58.17.020 (1)

- boundary line adjustments,
- short plats (4 or fewer lots per RCW 58.17.020 (6)),
- long plats or subdivisions (5 or more lots per RCW 58.17.020 (1)),
- condominiums,
- binding site plans,
- cemeteries.

Less common types are:

- boundary line agreements,
- amended surveys,
- plat alterations,
- mausoleums (a structure for internment of human remains),
- columbariums, (a structure for internment of human ashes) and
- assessor plats.

4. Department of Natural Resources, Public Land Survey Office

By statute, the Department of Natural Resources is charged with oversight of rules governing surveys. This is accomplished through the Public Land Survey Office (PLSO). The PLSO duties include:

- collect, preserve, and index survey maps and records,
- establish survey profession standards of accuracy, methods of procedure and survey map requirements per [WAC 332-130](#), and
- cooperate with and advise county recorders on issues pertaining to survey maps and records.

The County Auditor is required to submit a copy (paper or electronic) of all recorded surveys, maps, land corner records and survey documents to the Public Land Survey Office on a monthly basis.

B. Recording Requirements

1. Map Requirements

All maps must meet requirements outlined in the RCWs and WACs. If these requirements are not met, the Auditor's office is obligated to reject the maps. The recording requirements are identified by the checklist in WAC 332-130-050. No other checklist is authorized for determining the recordability of maps.

RCW 58.09.050
RCW 58.09.080
RCW 65.04.050
WAC 332-130-050

- All sheets must be 18" x 24" original map
- The margins must be a minimum of 2" on the left and ½" for the others, when viewed in landscape orientation.
- Approved media – mylar, paper, electronic
- Permanent black ink (notary can be blue on paper if scannable)
- Maps must be legible including all signatures and seals with uniform contrast throughout
- Title block with preparer name, address and phone number
- Surveyor's certificate as shown in RCW 58.09.080
- Auditor's certificate as shown in RCW 58.09.080
- Name of owner
- Section-Township-Range and the quarter-quarter(s) in the section in which the surveyed parcel lies or government lot
- Scale of map
- North arrow
- No adhesive material on the surface of the survey
- No photographs are allowed on the survey map

2. Checklist for Maps

The recording checklist is developed jointly by a committee consisting of the survey advisory board and two representatives from the Washington state association of county auditors. This checklist includes acceptable media, legibility, indexing, and miscellaneous requirements. The checklist is adopted in WAC.

WAC 332-130-050

3. Additional Requirements Specific to Map Type

Some maps may have additional requirements specified in RCW or local codes. Auditors must take care in determining which requirements are their responsibility to perform. If a local ordinance or code appears to add additional duties, the Auditor should consult with County legal counsel.

a) Plat, Long Plat or Subdivision

A plat is a map showing the division of a tract of land into lots, blocks, streets and alleys. It may have divisions and dedications on its face.

RCW 58.17
RCW 58.17.160
RCW 64.32.100

b) Short Plat or Short Subdivision

A short plat or short subdivision is a plat with four or fewer lots. However, by local ordinance, a county, city or town may increase that number to nine.

RCW 58.17.060
RCW 58.17.065

c) Condominiums

A condominium is real property that has portions designated for separate ownership with the remainder designated for common ownership by the unit owners.

RCW 64.34.202
RCW 64.34.232
RCW 65.04.050
RCW 64.32.100

d) Binding Site Plans

A binding site plan is an alternative method of land division that can be adopted by a county, city or town. It is a drawing to scale as specified by local ordinance. It shows all streets, roads, utilities and other improvements specified by the local regulations and contains conditions on the use of the land as specified by the local government

RCW 58.17.035

e) Cemeteries (including mausoleum and columbariums)

A cemetery plat subdivides the property into sections, blocks, plots, avenues and walks, along with other subdivisions. Mausoleums (a building to house tombs) and columbariums (a room or building to hold funeral urns) must include any halls, rooms, corridors and elevations. These must be designated with descriptive names or numbers.

RCW 68.24.020
RCW 68.24.030
RCW 68.28

f) Assessor Plats

With the permission of the county commissioners, an assessor can file a plat of an area, which then becomes the official plat for all legal purposes. This is allowable only if the Assessor's Office maintains maps drawn from surveys at a scale of not less than 200 feet to the inch.

RCW 58.18.010
RCW 58.17.050

g) Boundary Line Adjustment

A boundary line adjustment alters the boundary lines between parcels, usually within a subdivision/plat. The document is usually prepared by the landowners and **MUST** be approved by the local jurisdiction in which the subdivision is located. The document should include a survey or a sketch.

RCW 58.17.215

h) Boundary Line Agreement

A boundary line agreement alters the boundary lines between parcels based on agreement by all affected landowners. The document is not required to be reviewed or approved by the local jurisdiction. The document should include a survey or a sketch but the survey map can be recorded separately from the written agreement.

RCW 58.04.007

4. Name Reservation

A plat, map or subdivision of land cannot bear the same or similar name of any map or plat already on record in the office. The Auditor is responsible to verify that the name is unique.

RCW 65.04.050

In addition, names for condominiums can be reserved before recording. The Auditor is required to have a name reservation process. In some counties, the practice is for other departments, such as Building or Planning, to perform the function of name reservations.

RCW 64.34.202

5. Land Corner Record

When a GLO corner is missing or changed, a land corner record document is required to be recorded by a licensed surveyor, unless the information is shown on a separate Record of Survey. All documentation recorded to reestablish land corners must have supporting evidence as outlined in WAC 332.130.030. Land corner record forms must be obtained from DNR and must be recorded within 90 days after the establishment, reestablishment or restoration of a corner pursuant to the Survey Recording Act of 1973. The Auditor's office keeps the original recorded form and a copy (paper or electronic) is sent to DNR.

RCW 58.09.040
WAC 332.130.030
Land Corner Record
Document

6. Indexing

Maps are indexed by Name of Owner, Section, Township, Range, and quarter/quarter section as well as other data elements.

RCW 58.09.110;
WAC 332-130-050

7. Fees

Besides the regular recording fees and surcharges, maps are charged two additional fees. A local fee is set by each Board of County Commissioners for surveys and/or record of corner information. This fee is deposited to the county's general fund.

RCW 58.09.100

The Department of Natural Resources also sets a fee that is collected when a map is recorded. This fee supports the operations of the Public Land Survey Office at DNR. This fee is applied to all maps and surveys, unless a specific waiver is provided in law.

RCW 58.24.070
WAC 332-150-030

8. Affidavit of Minor Correction

In past practice when a correction to a survey was needed, a surveyor could record an Affidavit of Minor Correction in lieu of a new map detailing the correction. The original map was cross referenced with the Auditor's File Number of the correction. A copy of the Affidavit of Correction was sent to the DNR – PLSO.

WAC 332-130-050 (3)
(e)

In August 2015, DNR determined that Affidavit of Minor Correction was no longer an acceptable means of amending a survey. A new survey must be created and recorded to correct a previously recorded survey. The index of the original survey and the corrected survey should be cross referenced.

VI. Nonconsensual Common Law Lien

A. Two Types of Legitimate Liens

Liens are either voluntary between both parties (Consensual) or involuntary by the debtor (Nonconsensual).

1. Consensual Liens

Consensual liens are voluntary liens between the creditor and the debtor as imposed by a contract. Normally, these documents are signed by both parties. Examples of consensual liens are:

[Wikipedia, Lien](#)

- Mortgage
- Deed of Trust
- Chattel Mortgage

2. Nonconsensual Liens

Nonconsensual liens typically arise based on a statute that creates an obligation. Those laws specifically give a creditor the right to impose a lien on an item of real property or a chattel by the existence of the relationship of creditor and debtor. These documents are normally signed by only the creditor. Examples of nonconsensual liens are:

[Wikipedia, Lien](#)

- Tax liens (imposed to secure payment of a tax)
- Weed and demolition liens (assessed by government for a service)
- Attorney's liens (secure payment of fees for service rendered)
- Mechanic's liens (secure payment for work performed)
- Judgment Liens (secure payment)
- Maritime liens (on ships by admiralty law)
- Homeowner association liens

B. Invalid Nonconsensual Liens

Washington state law recognizes that nonconsensual common law liens against real property are not recognized or enforceable. Nonconsensual common law liens against personal property are only valid when the claimant physically holds or controls the property.

[RCW 60.70.020](#)

1. Authority by Auditor to Reject and Liability Limited

The Auditor is not liable for damages arising from refusing to record these nonconsensual liens against public officials. If such a document is recorded, there is no liability to the recording office. Additionally, the recording office is not obligated to reject these documents. This waiver of liability is provided because it would be impossible for the recording staff to recognize these liens as common law.

[RCW 60.70.030,](#)
[RCW 60.70.050](#)

2. Two Types of Invalid Nonconsensual Liens

The law defines two types of invalid nonconsensual liens and provides for two different methods to release the invalid lien.

a) *Nonconsensual Lien Against Public Official*

A nonconsensual lien filed against a public official due to the claimed performance or nonperformance of their duties is invalid. These liens are released by recording a notice of invalid lien. The notice is prepared by the recognized legal representative of that government agency:

RCW 60.70.020,
RCW 60.70.030

- Assistant US Attorney of federal agency,
- Assistant Attorney General of the state agency or institution, or
- Attorney representing the local government jurisdiction.

b) *Nonconsensual Lien Against Persons*

Any person against whom a nonconsensual common law lien has been filed and who believes the lien is invalid can petition the Superior Court to strike the lien. If the petition is granted, the Court will issue an order striking and releasing the lien.

RCW 60.70.060

The court order should be recorded. If the Court provides a separate release for the lien, the release should be recorded after the order is recorded.

c) *Original Lien Should NOT be Purged*

As with all permanent recorded documents, purging is not an option for releasing a lien. As established in state law, once an instrument is recorded, revocation of the instrument may be ineffective unless such revocation is also recorded. Therefore, a document releasing the lien must be presented by the legal representative or the court for recording.

RCW 65.08.060 - RCW
65.08.150

More importantly, removing the original document from the Auditor's public record will not remove the document from the holdings of the public. The original record permanently exists in the title plants and archives of title companies, lending institutions, extractors and others. The only effective way to quash the lien is through the recording of the release, which will then be obtained, ingested and matched by the industries that rely on public records.

VII. Document Rejection

A. Purpose

Each Recording Office has a duty to record documents in accordance with the standards set by federal and state laws. Conversely, each recording office has a duty to reject recording those documents that do not fit these standards.

The standards exist to ensure that documents can be:

- reproduced from the stored image and
- retrieved based on the indexed fields from the document.

Clear images and accurate, complete indexing ensures searching and reproducing with a higher standard of control. In turn, those documents hold up in county recording offices, government offices and court systems for judicial proceedings. The duty to reject documents based on legibility and format is integral to preserving the integrity of the recording system.

Any document that fails these standards should be rejected and returned to the submitter with sufficient explanation to allow the submitter to understand the errors and to make appropriate corrections.

B. Document Rejection Reasons

There are many reasons to reject a document for recording. Some reasons are supported by statutory content and others for “best practice”.

1. Statutory Standards

The following are reasons for rejection as supported by **RCW**:

- Grantor and/or Grantee are missing from the first page of the document.
- A portion(s) of the document is illegible.
- Top margin of the first page is not 3 inches or there is writing other than the return address within the top margin. The return address is the only text allowed within the top left margin.
- Sides and the bottom margin are not a minimum of 1 inch and any type of text or marks appears in those margins. The exception occurs if a minor portion of the notary seal or incidental writing is in the margins.
- Return address, including full name, is missing or incomplete and not within the top left portion of the document.
- Title of the document is missing or not readily identifiable or is not immediately below the 3 inch margin.
- Reference numbers that are to be assigned or released are missing or incomplete.
- Abbreviated legal description is missing or incomplete on the first page, if applicable.

RCW 65.04.015,
RCW 65.04.045
RCW 65.04.015,
RCW 65.04.045,
RCW 65.04.048,
RCW 65.04.115
RCW 65.04.045
(applies to items in list
until next citation)

- Assessor’s Property Tax Parcel is missing or incomplete on the first page, if applicable.
- The document is larger than 8 ½ X 14.
- Any labels, tape, staples, or glued attachments (outside of a firmly attached barcode or address label) are present on the document.
- A mother’s maiden name, social security number or a birthdate is present, unless generated by a governmental agency. RCW 65.04.045,
RCW 65.04.080
- Signature on the cover sheet is missing for an emergency nonstandard recording. RCW 65.04.048
- Any non-consensual lien against a government official or employee. RCW 60.70.030
- For a judgment that affects real property, the document is not an original or a certified copy. RCW 65.04.070
- The payment is incorrect or insufficient to cover the cost of recording. RCW 36.18.010,
RCW 65.04.130
- For a conveyance or sale document, the Treasurer has not verified for tax purposes and/or payment. RCW 82.45.090
- The font size is smaller than 8 point and/or illegible. RCW 65.04.045,
RCW 65.04.048
- A document which by law cannot be recorded (see chapter 4).

2. Best Practices

In some cases the document has a deficiency that indirectly violates one of the statutory standards. While specific wording in statute may not be clear, the decision to reject the document can be supported. The following are examples that each county must evaluate and determine if there is a deficiency to reject the document.

- Documents submitted for re-record are missing a reason for re-recording. Example: “Re-Record in order to correct legal description”
- Certified documents which have been altered or redacted are no longer a true and exact certified copy and are no longer exempt from formatting requirements and subject to a non-standard emergency recording fee.
- Documents submitted that are specifically related to property in another county.
- Cover sheet does not match the document.
- Check submitted is not signed or the dollar amount is incomplete.
- Document related to property in which no parcel is assigned must say “parcel number not assigned.”
- Notary is missing or incomplete.

C. Document Rejection Practices

When a document is rejected, the primary goal is to inform the submitter of the error or deficiency so that the document can be corrected and

resubmitted. While the recording office cannot assist the submitter with the actual correction, the description of the error should be detailed so that a knowledgeable professional can identify and correct the error.

The second reason to utilize a formal rejection process is to protect the recording office. A formal process tracks that a document was received, that it was rejected and to whom it was returned. If a submitter later claims that the document either should have been recorded or was never returned, the office will have evidence of the actual events related to the document.

1. Basic Rejection Format

To meet these two goals, the recommended basic components of a rejection notice are:

- Date returned;
- Document identifiers (grantor, grantee, etc);
- Reason(s) for rejection; and
- To whom returned.

Additional information may also be included, such as if a check is attached or the number of pages.

The rejection method used depends upon how the document was physically presented for recording. This section provides examples from various counties. These examples are not meant as a statewide standard to be adopted.

2. Documents Presented Manually

When documents are presented in person or by mail, a letter or printed checklist can be attached to a document. The notice can be a preprinted form or can be generated by a computerized database. The advantage of a computerized system is that the details are more easily located to answer questions from the submitter and to accumulate statistics.

If a computerized system for rejections is used, a policy should be set as to whether the documents should be scanned into that system or not. Rejected documents should not be scanned in your recording system as recorded documents.

3. Documents Presented Electronically

Rejections are performed electronically for documents that are received electronically. The basics remain the same. The exact process and details depend upon the recording software used by the recording office.

Generally, the document is submitted electronically, reviewed and if not recordable rejected with all reasons in a detailed electronic memo. This memo is sent back electronically to the submitter with the image of the unrecorded document. The images and rejection reasons are stored in the recording software and can be accessed if questions arise. Retrieving the document and the reasons for rejection are a convenient part of this process.

4. Uses of Statistics and Data

The rejection notices and rejection database provide crucial information

for customer service. They can be helpful to provide summaries and statistics to identify trends or training opportunities with specific customers.

VIII. Customer Service

A. General Overview

1. Purpose is to make Records Available

In the State of Washington, the County Auditor is responsible for keeping and maintaining recorded documents and providing the public with access to inspect and obtain copies of those records. As such, the recorder is tasked with searching for specific records using the index as the main tool.

RCW 65.04.140

Examples of services related to searching and retrieving documents are:

- Provide reference services to the public and other governmental agencies,
- Assist customers in use of public records on file,
- Help look up documents and maps for customers,
- Make both plain and certified copies for customers,
- Return original documents to customers unless electronically recorded,
- Answer phone inquiries,
- Help customers print records from the website, and
- Assist customers in self service area to conduct research and print copies.

2. Additional Services Expected by Customers

In addition to searching and retrieving specific records, recording staff often provide additional assistance to customers, such as directing customers to the correct department within the county, a local title company to locate information or state agencies for vital records.

3. Prohibited Practices

a) Auditor and Staff Cannot Give Legal Advice

The County Auditor and staff are specifically prohibited from acting as an attorney, which includes providing legal advice. All personnel must take great care in answering customers' questions so that the response is not "legal advice."

RCW 36.22.110

Title companies determine ownership and combine information retrieved from the Auditor's Office, County Clerk, Federal Courts, Assessor/Treasurer and other sources, to determine vested interest in the property. The recording department is not able to tell the customer who is on the title on a piece of property.

b) Customer is Not Authorized to Make Images of Recordings

Some on-site customers want to take photos of the images on the computer screen. While there are no specific RCWs address photography, RCW 65.04.140 is clear that the customer is authorized to make notes and abstracts while in the office. RCW 36.18.010 establishes the fees for copies, either certified or plain, thereby establishing the expectation that the recording office

RCW 65.04.140;
RCW 36.18.010

will receive payment for copies.

B. General Index Search Procedures

The general index is the primary tool for the search and retrieval of the documents the Auditor's Office has recorded. The method for searching documents has changed throughout the years and can vary by county and recording year.

RCW 65.04.050

The various methods for indexing and storage are:

- Handwritten or typed grantor/grantee index books,
- Electronic files of the grantor/grantee index books,
- Fee books to obtain volume and page,
- Microfiche,
- Microfilm,
- Electronic index and image.

1. Search Criteria

The most common criteria used to locate a specific document are:

- Date Range
- Name of grantor/grantee
- Recording Number
- Book and Page
- Legal Description
- Document Type/Code
- Excise Tax Number
- Section/Township/Range

2. Onsite Public Search

As required by statute, Auditors must make the recorded documents available to the public for inspection. They must also provide plain copies and certified copies upon payment of a fee.

RCW 65.04.140;
RCW 36.18.010

The ability to inspect is generally accomplished with a computer terminal(s) in the office that is available for public use, by searching microfilm or by pulling bound books. This requires the customer to physically come to the Auditor's Office to search and view the documents.

3. Online Public Search

Although not specifically mentioned in statute, many Auditors have made the index and sometimes the documents available through the internet. The customer is able to search index and possibly view the documents without physically coming to the Auditor's Office.

Making recorded documents available on the internet can be controversial. Some older documents contain social security numbers or other personal identifiers, which raises concerns about identify theft.

4. Search and Copy Fees

Search fees are charged by the county per hour when a customer requests a

RCW 36.18.010(6)

search for a recorded document. The current fee is \$8 per hour, set by statute.

Each county charges a fee for photocopies and certified copies as set by statute. Counties that have their documents online may allow customers to print an unofficial copy at no charge because no resources of the office are involved in the printing.

RCW 36.18.010(2) & (3)

C. UCC Search

A search requested under the Uniform Commercial Code is tightly structured for both the requestor and filing office.

1. Requestor

The requestor must submit the request on an Information Request – Form UCC11 published by the International Association of Commercial Administrators. The form specifies what information must be provided to the filing office, what information is required or optional and what response options are available. A separate form must be submitted for each debtor search.

RCW 62A-9A-523

2. The Request Form

- Section 1 Debtor's Name
 - The exact spelling of the debtor's name – either a person or organization – and any variations of that name;
 - The search is conducted on ONLY the exact spelling and names provided by the requestor.
- Section 2a Information Options
 - A CERTIFIED search requires that the filing office use a search logic on names specified in the UCC standards; at this time, there is no State adopted standards for County Auditors to utilize; therefore we cannot perform a certified search.
 - The requestor must indicate ALL (this includes all UCCs whether lapsed or unlapsed) or UNLAPSED (only UCCs that are active and not terminated or expired).
- Section 2b Copy Request
 - The word “certified” in this section is not the same meaning as in Section 2a.
 - The requestor may mark the CERTIFIED box; in that case, the filing office will certify the copies and charge the appropriate fee.
 - The requestor must select ALL or UNLAPSED if they want copies, whether certified or uncertified.
- Section 2c Specified Copies Only
 - The requestor can request specific documents by listing the appropriate information.
 - As in Section 2b, the requestor can indicate CERTIFIED copies.
- Section 3 Additional Services
 - The requestor may indicate additional services. However, if your office does not provide those services (such as a search by address), then the office is not required to perform that service
- Section 4 Delivery Instructions

- If one of the optional boxes is not checked, then the filing office will mail the response to the address indicated in box C.
- If one of the optional boxes (Pickup or Other) is checked, then the filing office will follow those instructions. If the requestor indicates a delivery service (courier, UPS, FedEx, etc), then the requestor must cover the costs, either through prepayment or billing account number.

3. The Search Parameters

The filing office is required to conduct the search using specific parameters and to report specific information.

RCW 62A-9A-523

- The search is conducted on ONLY the exact spelling and names provided by the requestor.
- The search is dated through the last day of completed indexing in your records as of the moment that you conduct the search, which must be no earlier than three business days before the request was received. It is likely that your office will have recorded documents that are not yet indexed; these are not included in the search. Therefore, great care must be taken in determining the search date.
- The documents that are reported are:
 - Fixture Filings – do not report any terminated or lapsed UCCs if the requestor has selected “Unlapsed”
 - Continuations
 - Amendments
 - Assignments
 - Partial releases
 - Deeds of Trust or Mortgages which include a Fixture Filing or Security Agreement under the Uniform Commercial Code.

The response to the requestor must be completed no later than two business days after the filing office receives the request.

RCW 62A-9A-523

4. Fees

a) Search Fee

The filing office can charge a search fee for each UCC request form received. The fee is based on the \$8.00 per hour currently authorized in state law.

RCW 36.18.010(6)

b) Copy Fees

The standard copy fees authorized in state law apply. A copy is \$1 for each page. A certified copy is \$3 for the first page, with \$1 for each additional page.

RCW 36.18.010(2)

D. Veterans

Veterans are encouraged by the Department of Defense to record their military discharge papers with the local recorder upon separation from service to ensure that a copy is always available to the veteran and the family. This provision goes back as far as the Spanish American War. In 1973, the central repository for veteran’s records in St. Louis burned, destroying a significant portion of the original military personnel records for the Army and Air Force

<http://www.archives.gov/veterans/>;

from 1912 through 1964.

Military discharge papers are now standardized on the form DD214. Before January 1, 1950, several similar forms were used by the military services, including the WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78PD and the NAVCG 553.

1. **Veterans Records are Confidential AFTER July 1, 2002**

Effective July 1, 2002, military discharge papers (form DD214) for veterans are recorded as confidential documents and are no longer considered a public record like other recorded documents. This state law was passed because of concerns about identity theft.

RCW 42.56.440

2. **Comingling of Records No Longer Allowed**

Prior to July 1, 2002, some counties recorded the discharge document like any other recorded document. It was given the next book/page or Auditor File Number and placed/imaged as the next document in line. Other counties maintained separate books and indexes for the discharge documents. Unless a confidentiality request has been received from the veteran and recorded, those records are still open to public inspection.

RCW 42.56.440

Military discharge papers recorded from July 1, 2002 on are confidential and no longer available to public inspection. The document can be recorded using the next recording number or can be given assigned a number within a designated series. However, the document/image cannot be displayed to the public. The index for that document remains available to the public.

3. **Parties Who can Receive Copies of Discharge Papers**

Except for certain discharge papers recorded prior to July 1, 2002, only certain parties can obtain copies of discharge papers. Before the copies can be released, the requestor must complete a form to verify that they are authorized to receive or view the military discharge papers.

RCW 42.56.440;
RCW 73.04.030;

Some counties maintain the request on file. Other counties record the request, at no charge, to maintain a permanent record.

a) **Discharges Recorded AFTER July 1, 2002**

Discharge papers recorded AFTER July 1, 2002 can only be released to:

RCW 42.56.440;
RCW 73.04.120

- Veteran,
- Veteran's next of kin,
- Surviving registered domestic partner,
- A deceased veteran's properly appointed personal representative or Executor, or
- A person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

b) **Discharges Recorded PRIOR to July 1, 2002 and NOT COMINGLED**

Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been

RCW 42.56.440
RCW 73.04.120

commingled with other recorded documents are available **only** to the following:

- Veteran,
- Veteran's next of kin,
- Surviving registered domestic partner,
- A deceased veteran's properly appointed personal representative or Executor, or
- A person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

c) Discharges Recorded PRIOR to July 1, 2002 and COMINGLED

Veterans whose discharge papers have been filed at the office of the county auditor before July 1, 2002, that **have been** comingled with other records may record a "Request for Exemption" with the county auditor to release the discharge records to any person designated in writing by the veteran.

RCW 42.56.440;
RCW 73.04.030;
RCW 73.04.120

The following documents may be recorded by a veteran at no fee to designate who may have access to his/her military records:

- Request for access/copy of Exempt Discharge papers
- Revocation and Re-designation of Disclosure of Discharge Papers
- Request for Disclosure of Discharge Papers
- The Request for Exemption

If a request for exemption has not been filed, the discharge paper is not considered confidential and must be released like any other recorded document.

The Auditor may need to restrict physical access to older records that have discharge papers comingled in them. Even a handful of discharge papers on which confidentiality requests have been filed creates a situation where nonpublic records are intermingled with public records.

4. Fees Not Charged for Discharge Papers

a) Record Discharge Papers

No recording fee is charged for the original military discharge paper (form DD214) or any of the request documents listed above except for the Request for Exemption from Public Disclosure of Discharge Papers, which cannot exceed \$7.

RCW 73.04.030;
RCW 73.04.120

b) Issuing Certified Copies

No copy fee is charged for certified copies of the recorded military discharge paper (form DD214).

RCW 73.04.040;
RCW 73.04.120

Many county recorders have set limits on the number of copies that will be provided to a requestor on a daily basis.

E. Apostille

The Washington State Office of the Secretary of State provides Apostille and Certification service to U.S. citizens and foreign nationals on documents that will be used overseas. They authenticate the document by attesting to the authority of the person who certified the document.

Secretary of State
Apostille

The U.S. State Department provides general information about document authentications and apostilles under the Hague Convention of 1961.

County Auditors may assist customers with information regarding the apostille process by providing the following:

[Apostille Request form](#)

- A certified copy of the document for overseas and the normal fee for certification.
- A copy of the Secretary of State's Apostille request form can be completed online or can be printed.

IX. Public Access

As the custodian of records, the County Auditor has a duty to provide access and opportunity for public inspection of records and files that have been recorded.

RCW 65.04.140

This section will share some of the innovative methods Auditors across the state have utilized to fulfill their duty to provide access to recorded documents and maps.

A. In Office

The office set aside for customers to peruse the physical records should be arranged in a manner that promotes accessibility and convenience. Office access for public inspection, examination, and searching of records must be made available during reasonable office hours and provided free of charge.

1. Paper Records and Vaults

In areas where customers can access physical records, arrange indexes, microfilm, and paper records (maps or books) in a manner that promotes access.

To promote security of the records, the customer should sign into and out of the location where the records are kept. This provides a record of each person who has entered the area. In the event of an emergency, the register also alerts office staff that there is a customer who must be evacuated.

2. Electronic Access via Kiosk or Terminal

Many offices provide a public workstation for walk-in customers to use. Prior to offering the services of a kiosk/terminal, a determination must be made to confirm which particular functions are made available to the public. Viewing is the key function; all other functions are optional.

The kiosk/terminal functions should be restricted in a way that restricts access to confidential records and safeguards the county network and equipment.

- Confidential documents: Software controlling document display needs to be configured to suppress viewing of all confidential records, such as military discharge records;
- Printing: When a print job is submitted by the customer, output should be directed to a printer accessible only by office staff. When the customer is not given the capability to print, an office procedure must be developed for staff to print customer requests. The customer should come to the counter to pay for and receive the desired copies.
- Access to other applications: Work with your IT Department to establish a secure public logon to discourage customers from using the computer for non-county related tasks.
- Access to the Internet: Include shortcuts on the desktop or browser bookmarks to commonly used websites, such as your

Assessor's Office, or Washington State Digital Archives.

B. Internet – General Public

The internet can provide a convenient access method for several groups of customers – the public, commercial users and government agencies. Access through the internet allows the customer to obtain information while in their work or research location. This can also benefit the Auditor's Office by reducing the volume of walk-in customers.

The Auditor should consult with legal counsel before determining which, if any, groups can access the records through the internet and what levels of access will be offered. The legislative authorities of some counties may prohibit or establish rules about publishing records online.

1. Factors in Determining Method and Extent of Access

While allowing external access through the internet has benefits for both the Auditor's Office and the customers, numerous concerns must be considered and addressed.

a) Security

The first concern to address is computer/internet security. Usually, the Information Technology (IT) department of the county sets the policies and standards for public access through the internet. While most vendor systems have public access modules, the IT department will determine what security standards, such as firewalls, are necessary to protect the County from breaches and attacks.

In counties without IT professionals, the Auditor should exercise due diligence in providing internet access to county records.

b) Index

The index can be published online to provide the public with the basic information details of recorded documents. Because abbreviations and codes are used extensively in our indexes, the Auditor should consider the need for glossaries that explain the abbreviations and codes.

c) Range of images available, sensitivity/confidentiality/SSN

A major decision is determining if images will be displayed to the public. Some counties display all images to the public online. Some counties do not display documents types that could contain social security numbers, such as Deeds of Trust. Other counties choose not to display any images. Again, the Auditor should review any county policies concerning online display of private and personal identifiers.

The Auditor should also ensure that documents classified as confidential (military discharge for example) are suppressed from online display.

d) Watermark or not

Some counties have added watermarks to the online images to prevent users from printing the images for official use. The user may be required to

pay a fee to print a copy without a watermark. Other counties have chosen not to add a watermark.

e) Fees

If the free printed image is watermarked, the Auditor should consider adding an option that allows the user to print a clean copy of the image for a fee. The statutory fee is \$1 per page. Because the printing does not occur in the Auditor's Office, some Auditors have chosen not to charge for clean copies. The Auditor should consult with legal counsel before setting a policy about fees for remote printing.

Depending upon the sophistication of the public display module of the recording system, a remotely printed certified copy may be an option. If that option is used, the statutory fee is \$3 for the first page and \$1 for each page thereafter.

2. Content

In addition to the records, additional material may be provided to assist the customers in understanding the records and in finding more sources of relevant information.

a) User terms/disclaimers

Prior to viewing a record, best practice is for the customer to read user terms and any disclaimers. User terms explain the intent of the service, in this case viewing public records. Disclaimers explain the limitations of using the service. For example, the disclaimer may state that there is no guarantee that all records for any specific property are complete.

Examples of user terms and disclaimers are provided as exhibits.

b) Refresh period – one day behind?

Most internet public viewing services are not updated as soon a document is recorded. Commonly, vendors update the public site overnight. To prevent customer confusion, it is advisable to include the update schedule on the website. This can be done in the user terms/disclaimers.

c) Links to/from other applications (Treasurer/Assessor is common)

Depending upon the customers' reasons for using public access to recorded documents, the customer may benefit from links to other websites that contain related information. The most common links are to the real property systems of the Treasurer and Assessor. Another common link is to the Secretary of State's Digital Archive.

C. Secretary of State Hosting

The Secretary of State Archives Division operates the Digital Archives, which provides online public access to various government record series. Two of the record series of interest to County Auditors are marriage certificates and land records.

Auditors can choose whether or not to upload images of recorded documents to the Digital Archives' repository. The Auditor can also choose the level of public access – index only, restrictions by document type or full display. Some Auditors have restricted the display of certain document types because the documents (such as deeds of trust) may contain sensitive personal identifiers (social security numbers, birthdates, mother's maiden name).

a) Transfer Information Plan Agreement

To establish a partnership with the Digital Archives, the Auditor negotiates the details of a standard agreement with the Secretary of State's Office. The agreement includes the Transfer Information Plan, which sets up the specific document codes to transfer then maps each code to the appropriate Digital Archives series. Transferring the index and images requires working with your recording software vendor to establish an export program.

b) Public Access and Ordering Certified Copies

The public can access the records through the Digital Archives website, www.digitalarchives.wa.gov. They can search, view and order certified copies with a credit or debit card. Once the order is placed, the Auditor's Office will receive a notification from the Digital Archives to fulfill the order. Payments for the certified copies are sent on a quarterly basis from the State to the County Auditor.

D. Commercial Customers

In this electronic age, some commercial customers need frequent and immediate access to the recorded documents. In these situations, accessing the records in our office is not feasible. They need the recorded documents in electronic form.

1. Bulk Activity

Some commercial customers need the images, index or both on a daily or monthly basis. Some customers may request the data for a specific range of years; this is common when a new title company opens in the area and needs to build their plant. The request may be for all of the documents or for specific document types.

The data can be delivered in a variety of ways. Daily or monthly activity can be delivered on portable media such as CDs or DVDs. Another option is online using FTP (File Transfer Protocol); in this option, a formal agreement is recommended. For large requests, the customer may supply portable hard drives.

2. Subscription Services

Some Auditors who chose not to display images to the public online have made their recorded documents and index available through the web on a subscription basis.

WAC 44-14-07003

a) Written Agreement

To obtain access, a good practice is to require the customer to sign a formal subscription agreement with the county. This allows the Auditor's Office to control who is viewing the images and the information in those images. The agreement should contain provisions concerning

- the duration of the service period,
- how the customer can view and print images,
- the type of user accounts and passwords the customer must have,
- whether those accounts and passwords can be shared within the customer's business/operation, and
- the fees, if any, and when the fees are due (monthly, quarterly, annually).

b) Fees

The county can charge a fee to offset the costs associated with maintaining the website and any additional software costs necessary to make the service available. The fee should be reviewed annually and the review documented.

3. Payment Account Types

While walk-in and mail customers generally pay immediately for each transaction, for some commercial customers and electronic recording transactions, other payment methods are necessary. In these cases, the customer may have made a large prepayment into a county-held suspense account that the Recorder draws against for each transaction. Another method is a house account, which accumulates the fees for the entire day and the balance is then paid by the customer.

a) Draw Down Accounts

A draw down account is when the County holds a prepaid suspense account from a customer and then withdraws from that account as transactions occur. The advantage is that the customer does not need to write a check for every transaction that occurs during the day.

The customer submits payment for deposit into the suspense account. The customer then conducts the transactions (such as recording documents or requesting copies) without having to mail funds with the transaction. As each transaction is processed, the funds are withdrawn from the draw down account. Once the draw down account is depleted, the customer must replenish the account to continue having transactions processed.

A key consideration is that once the draw down is depleted, the Recorder cannot continue to process transactions.

b) House Accounts/Voucher Account

A house account, sometimes called a voucher account, is essentially a charge account. The fees accumulate for the daily activity and the customer periodically pays off the entire balance. Most for-profit commercial

customers pay the balance at the end of each day or the next morning; examples are title companies and electronic recording submitters

Many governmental customers pay monthly. Examples are other county departments (planning, commissioners), state agencies (DSHS), and federal agencies (IRS).

House accounts require administrative resources to maintain the individual accounts, send out invoices, receipt payments and, at times, follow up when payments are not received promptly.

c) Electronic Payment Methods

While cash or checks are payment options, most draw down accounts and house accounts involve electronic payments. Electronic payments are generically referred to as EFTs, which stands for Electronic Funds Transfer. The three most common types of EFTs are:

- Wire
- ACH (Automated Clearing House)
 - Pull - Recording Office initiates the pull or extraction of the funds from the customer's bank account
 - Push – The Treasurer receives funds pushed or transferred by the customer to the County's bank account
- E Check (electronic check)

These payments will be received by your Treasurer or Finance Department.

X. Records Storage and Preservation

A. Storage Requirements

In Washington, every document generated or collected by a state or local government agency becomes part of the public domain, generally accessible and available for inspection.

RCW 40.14

The Office of the Secretary of State publishes a retention schedule that guides state and local agencies in determining the minimum length of time a given type of record is required to be maintained. In the case of documents recorded with the county auditor, the expectation is that these recordings along with their index will be available permanently. These recordings are further included among those government records deemed essential to the delivery of government services in the event of disaster or civil disruption.

Local Government
Records Retention
Schedules

1. Microfilm

In order to best fulfill the obligation of permanent access, images of recorded documents are transferred to microfilm for storage and safekeeping. Microfilm has been designated as the media of choice for long-term storage due to its low production costs, ability to withstand time (when appropriately stored), and capability of being read without the need for specialized equipment.

WAC 434-677-010

The original or silver-halide duplicate roll of film created serves as the security copy that must be stored in a facility that restricts light, humidity, and temperature to which the film is exposed. Storage must also ensure that the original silver film is housed in an area that does not share circulated air with any film of another type. In order to protect the integrity of the original images, this security roll is ideally copied only a single time for the production of the second-generation film roll from which all other copies are generated.

WAC 434-677,
RCW 40.10

2. Image/Electronic Storage

An electronic record is any record created that can only be read by machine. Web pages, e-mail, and images scanned from paper or film are examples of electronic records.

WAC 434-662

The retention requirements stated in RCW 40.14 are based on a record's content and purpose, and remain consistent regardless of the media used to store the record. Electronic records have the additional stipulation that they be stored in electronic form in order to retain any data embedded in links that would prove useful in navigating the document. Electronic records designated as archival are also required to be maintained in their original format along with the hardware and software required to read the data in that format. This requirement remains in place after electronic records have been converted into a new file format, and is lifted only once the records in the new system have been verified to completely and accurately represent the records prior to conversion.

WAC 434-662-050

Some digital records are created by scanning paper or microfilmed images of items such as our daily recordings. The technical specifications of image capture at scan, compression for storage, and decompression at the time of retrieval must all be carefully managed to achieve at least the minimum

WAC 434-663

recommendations stated in WAC 434-663 - Imaging Systems, Standards for Accuracy and Durability.

B. Division of Archives and Records Management

1. State Archives

The Division of Archives and Records Management, part of the Office of Secretary of State, operates to “insure the proper management and safeguarding of public records.” The State Archivist oversees production of the retention schedule for all items produced and collected by state and local government, and provides guidelines to ensure proper storage of records of any given format/media. The “enduring legal and/or historic value” of a given record series is evaluated by the State Archivist in determination of the records’ archival status and appropriate retention schedule.

RCW 40.14.020

In support of the objectives outlined in RCW 40.14.020, the State Archivist oversees the following functions:

- **Regional Archives:** There are 5 locations of Regional Archives, each serving a multi-county geographic area. Records originating from all levels of local government are maintained here for their historical value. Various Auditor maps and volumes have become frail over the years and have been sent to the regional archives for preservation. Prior to transfer, items are often imaged to create a working office copy. The Regional Archives provides opportunity for genealogical and other research by hosting access to records originating from numerous agencies representing all layers of local government within a particular geographic region.
- **State Records Collection:** Located in Olympia, virtually all of the records housed here have originated in state agencies. Similar to the regional archives, the state archives division staffs a public research center.
- **Storage for Security and Preservation Microfilm:** The State Archives provides vault storage and a controlled environment for security microfilm of state and local agencies.
- **Imaging and Preservation Services:** Initially, this department focused on microfilm copying, storage, and quality assurance monitoring. Services have expanded to include the creation of digital files from paper or film, and the creation of security microfilm from digital images. For items that have already been transferred to the custody of the State Archives, conversion to a new format can only be accomplished through imaging services. Records cannot be removed from the custody of State Archives, so an outside imaging vendor will be unable to gain access to the source records. This is for the protection of the records, as State Archives can be entrusted to handle the source records with the care of an archivist.

WAC 434-620-010(7)

2. Digital Archives

Just as the State and Regional Archives provide specialized storage for paper and film records, the Digital Archives provide specialized storage of electronic records since its opening in 2004. As time moves forward, more and more work is generated and/or stored in electronic format. The Digital Archives offers secure and specialized storage with swift retrieval for research of these

electronic government records.

Once an agency transmits a record to the Digital Archives, so shifts the requirement that the agency must continue to maintain the hardware and software required to read that record. From that point forward, electronic records stored at the Digital Archives will be periodically converted as superior file formats evolve. The submitting agency is thus relieved of the requirement to maintain the old hardware/software, the task of the conversion itself and the meticulous verification required to ensure converted records fully represent their pre-conversion counterparts.

WAC 434-662-050

The collections of the Digital Archives include images scanned to preserve the content of all manner of older and fragile Washington State historical records. Scanning not only preserves these records, but the resultant images enable greater public access to historic records via internet. The digital version of census records, institution records, naturalization records and professional license records are just some of the collections offered for online research and carefully stored at the Digital Archives. Records submitted by the County Auditor include items such as marriage, map, and land records. Electronic record submission to the Digital Archives is optional for county offices, yet doing so enriches the collection of Washington history available through the Digital Archives Website.

[Digital Archives Collections](#)

