



SPENCER J. COX
Governor



MARGARET W. BUSSE
Executive Director

MARK STEINAGEL
Division Director

DEIDRE M. HENDERSON
Lieutenant Governor

September 4, 2025

County Recorder Standards Board

Background

During its 2023 General Session, the Utah State Legislature created the County Recorder Standards Board with the passage of [House Bill 351](#). Along with designating the membership and duties of the Board, HB 351 required the Board to provide an annual report to both the Political Subdivisions and Business and Labor Interim Committee that includes the following:

- a. information regarding the operations and activities of the board; and
- b. any recommendations for legislation related to the services provided by county recorders, including recommendations for modification of the fees established in Section 165 17-21-18.5.

Operations and Activities of the County Recorder Standards Board Membership and staff. The Following Individuals were selected, per the statute, to make up the composition of the board:

Board Members:

- Chairperson: Rashelle Hobbs, County Recorder, 1st/2nd Class: Utah Association of County Recorders
- Vice Chairperson: Chad Montgomery, County Recorder, 3rd/4th/5th Class: Utah Association of County Recorders
- Shelley Brennan, County Recorder, Utah Association of Counties
- Robert Hartshorn, Vice President and Division Counsel at DR Horton, Utah Property Rights Coalition
- Ryan Allred, Professional Land Surveyor, Utah Council of Land Surveyors
- Gage Zobell, Partner - Dorsey & Whitney, Utah Petroleum/Utah Mining/Professional Landman
- Ben Stanley, General Counsel of the Jordan Valley Water Conservancy District - Assistant Civil Division Chief, Utah State Bar/Utah Association of County Recorders
- Kreg Wagner, General Counsel - Utah Association Realtors, Utah State Bar/Utah Association of Realtors
- Paul Newton, Underwriter, Utah Land Title Association [October – December]
- Rachael Ortiz, General Counsel, Utah Land Title Association [April – Current]

Staff:

- Mark Steinagel, Director, Division of Professional Licensing
- Larry Marx, Licensing Administrator, Division of Professional Licensing
- Allison Pulsipher, Board Secretary, Division of Professional Licensing
- Kirsten Shumway, Legal Analyst, Division of Professional Licensing

Meetings. Since the last report, the Board met six times on the following dates:

- Hybrid, October 21st
- Electronic, December 16th

- Electronic, February 3rd
- Electronic, April 14th
- Electronic, June 9th
- Electronic, August 4th

Rules in Development. Thanks to the work of county recorders and other stakeholders leading up to the creation of this Board, the Board was able to review proposed standards for adoption with much of the work of negotiation already underway.

The following standards (all attached) have been officially adopted by the Board and are being added to rule:

- Redaction of Documents
- Joint-Tenancy: Spousal Designation and Presumptions
- Abstracting the Gap: Visibility and Effect of Recorded Documents

The following standards and topics are currently being discussed by the Board:

- The Board is working with a DOPL Legal Analyst to rewrite the previously approved standards into Administrative Rules format.
- The Board began discussions surrounding Senate Bill 104 and possible standards needed for Boundary Adjustment and Boundary Establishment.
- The Board continued discussion of the oil and gas industry concerns to address with County Recorders in the upcoming meetings.

Members of the Board are compiling additional ideas for standards from various stakeholders.

Recommendations for Legislation

The Board also recommends the following changes (attached) to statute to meet the intent of HB 351:

1. Clarifying and narrowing down the list of those included as a “Interested Party” for commonly filed documents: plats, boundary line adjustments, etc.

Fees: The Board does not at this time recommend the assessment of any fees permitted by HB 351.

Utah Recording and Processing Standards	Number:	Recording - 3
	Version:	1
	Effective:	09/12/2024
	Pages:	2

1. Title

Redaction of documents found in the Official Records of County Recorder's Offices.

2. Standard Procedure

2.1 Redacting Information: Once a document has been recorded and is part of the official record a document is permitted to be redacted when:

2.1.1 : Redacting personal information

A County Recorder upon receipt of an individual's request is required to redact or shield from public view, certain personal information as outlined in UCA 17-21-12.5.

2.1.1.1 Request must be in writing; include payment of the redaction fee per redacted document as referenced in UCA 17-21-18.5(1)(e) and by entry number and or book and page identify the location of the instrument

2.1.1.2 Personal information is limited to a signature; the first five (5) digits of a social security number; the month and day of the birth date

2.1.1.3 The County recorder is required to create a redacted copy of the instrument, while maintaining the unaltered, unchanged originally recorded instrument. The recorder will apply a stamp to the redacted copy that includes date and time of the redaction that the originally recorded instrument remains on file with the county recorder's office.

2.1.1.4 The redacted copy of the instrument shall be made available to the public. The unredacted original shall be produced and made available upon request to:

- a) the individual whose personal information was redacted;
- b) if a trust deed, the beneficiary of the trust deed;
- c) title company that has a valid business license, county or state;
- d) attorney that has a valid license from the Utah State Bar; or is responding to a valid subpoena or order of a court of competent jurisdiction;
- e) a valid request under Title 63G-2.

Copies of redacted documents or unredacted original documents will be made at the county's adopted copy fee. (UCA 17-21-18.5(3)(a))

Utah Recording and Processing Standards	Number:	Recording - 3
	Version:	1
	Effective:	09/12/2024
	Pages:	2

2.1.2 Redacting Private Records

Once an instrument has been accepted for recording a recorder may not “Alter, change, obliterate, or insert any new matter in any instrument of record UCA 17-21-17(1). Violation of this statute is a Class B Misdemeanor under UCA 76-8-511.

A recorder does not violate UCA 17-21-17(1) by denying access to an instrument or a portion of an instrument that has been classified as private under 63G-2-302 or by placing a recorder note or reference on the instrument.

Private record(s) that may be protected under UCA 63G-2-302(1)(z)

- Email address;
- Phone number;
- Personal financial information related to a person’s payment method;
- Records pursuant to court rule, state statute, federal statute or federal regulations

Portions of records that are considered private may be redacted in the same manner as personal information upon written request as described in 2.1.1.

2.2 Prohibited Acts: Once a document has been recorded and is part of the official record, under the prohibited acts listed in UCA 17-21-17(1)(a)(ii) the recorder may not alter, change, obliterate, or insert any new matter in any instrument of record.

2.2.1 : Alterations

According to Black’s Law, an alteration to a recorded document is a change in an instrument sufficient to alter the instrument’s legal meaning or effect. Redactions made to a document under UCA 17-21-12.5 are allowed and not considered an alteration.

2.2.2 : Changes

The county recorder should not add to, takeaway, or replace something with something else on a recorded document.

2.2.3 : Obliterations

According to Black’s law dictionary, to ‘obliterate’ includes permanently wiping out, removing or erasing all existence of. Typically Court orders can not remove a document from record because it would contradict with UCA 17-21-17(1)(a)(ii). The court order can invalidate a document rather than remove it from record. If a document or a portion of a document should not be publically available, the court may order the

Utah Recording and Processing Standards	Number:	Recording - 3
	Version:	1
	Effective:	09/12/2024
	Pages:	2

county recorder to redact a portion of the document or the court may order that the document be made private and not available to the public.

2.2.4 : Inserting New Matter

A County Recorder upon receipt of an instrument may place an endorsement, reference, or other note on a document in the course of the recorder's work under UAC 17-21-17(2)(b). After a document is recorded, the recorder may not insert, or allow others to insert additional pages, names, legal descriptions, or any other information that would change the effect of the submitted instrument.

3. Approvals

Group	Approval	Date
Utah Association of County Recorders	100%	9/12/2024
Utah Land Title Association Board	100%	9/9/2024
Recorder Standards Board		

4. References

UCA 17-21-12.5 Redacting personal information.

UCA 17-21-17 Prohibited acts.

UCA 63G-2-302 Private records.

UCA 63G-2-301 Public records.

UCA 63G-2-201 (3) & (6) Provisions relating to records -- Public records -- Private, controlled, protected, and other restricted records -- Disclosure and nondisclosure of records -- Certified copy of record -- Limits on obligation to respond to record request.

UCA 63G-2-303 Private information concerning certain government employees.

UCA 76-8-511 Falsification or alteration of government record -- Penalty.

Utah Recording and Processing Standards	Number:	Processing - 1
	Version:	1
	Effective:	
	Pages:	6

1. Title

Joint Tenancy – Spousal Designation and Presumption.

2. Standard Procedure

State of Utah County Recorder's Office Policy pursuant to the modification of UCA 57-1-5

2.1 Background: Prior to the 2022 legislative session, UCA 57-1-5(1)(a)(i)(A) read:

“Beginning on May 5, 1997, an ownership interest in real estate granted to two persons in their own right who are designated as husband and wife in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise.”

In 2022, House Bill 276 “Joint Tenancy Presumption” (HB276) was presented to the State Legislature with the intention of expanding the joint tenancy presumption to all married couples, regardless of the many vesting designations that could be shown in the recorded document (husband and wife, husband and husband etc.). In the legislature’s public committee meetings regarding the bill, the varied possible combinations of marriage were discussed. The bill was purposefully drafted to use the broad term “Spouse”, and their intention was to not try to enumerate the multiple possible combinations of possible spousal designation.

HB276 amended UCA 57-1-5 so that it now reads:

(1)

(a)

(i)

(A) Beginning on May 5, 1997 and ending on May 3, 2022, an ownership interest in real estate granted to two persons in their own right who are designated as husband and wife in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise.

(B) Beginning on May 4, 2022, an ownership interest in real estate granted to two persons in their own right who are designated as spouses in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise.

Utah Recording and Processing Standards	Number:	Processing - 1
	Version:	1
	Effective:	
	Pages:	6

2.2 Application of the New Law:

2.2.1 Granting Documents Recorded Prior to May 5, 1997:

Joint tenancy is presumed when the granting documents contains the use of words "joint tenancy" or "with rights of survivorship" or "and to the survivor of them" or words of similar import.

2.2.2 Granting Documents Beginning on May 5, 1997 and Ending on May 3, 2022:

- i. Joint tenancy is presumed when the granting documents contain the use of words "joint tenancy" or "with rights of survivorship" or "and to the survivor of them" or words of similar import - or –
- ii. an ownership interest in real estate granted to two persons in their own right who are designated as husband and wife (or wife and husband) in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise. The words husband and wife or wife and husband must be shown in the grantee line of the granting documents for this presumption to apply.

2.2.3 Beginning on May 4, 2022:

- i. Joint tenancy is created when the granting documents expressly declare in the grant by containing the use of words "joint tenancy" or "with rights of survivorship" or "and to the survivor of them" or words of similar import - or -
- ii. Beginning on May 4, 2022, an ownership interest in real estate granted to two persons in their own right who are designated as spouses in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise. The granting documents could use any combination of descriptions that indicate the two grantees are married to each other or spouses with each other, including but not limited to for example : spouses, husband and wife, wife and husband, wife and wife, husband and husband. The words “Spouse” or “Spouses” do not need to show in the granting documents if the document otherwise indicates the grantees are married to each other.

Utah Recording and Processing Standards	Number:	Processing - 1
	Version:	1
	Effective:	
	Pages:	6

3. Approvals

Group	Approval	Date
Utah Association of County Recorders		
Utah Land Title Association Board	15-0	09-18-23

4. Supporting Information

5. Related and Example Documents

NA

6. References

Utah Code 57-1-5

Utah Recording and Processing Standards	Number:	Example - 1
	Version:	1
	Effective:	
	Pages:	1 of 1

1. Title

Visibility and Effect of Recorded Documents

1.1 The real estate community and the general public rely upon current and accurate information from the county and county Recorder pertaining to real estate. Title companies depend on up-to-date information in generating a “Commitment for Title Insurance” which is relied upon in many real estate transactions. A “gap” exists when recorded documents are not visible in the Recorder’s Tax ID index, or when the county’s other records are not updated to reflect any changes in ownership and/or Tax ID number necessitated by the recording of a given document. Problems arise when the “gap” becomes excessive.

The purpose of this Standard is to make uniform the terms used by county Recorders in sharing critical dates with title companies and other interested parties as it pertains to the county’s internal processing, abstracting, and updating functions subsequent to the recording of a document.

2. Standard Procedure

2.1 Dates to be posted: Indexing Date and Completed Date are the only two dates that should be publicly posted. The indexing date is the preferred and most useful date for title companies.

2.1.1 Indexing Date: This date is the date used to post on the website and in the office, showing that the names are indexed.

2.1.2 Completed Date: This date is the date to use when abstracting and name changes are made (if necessary), parcel splits including new Tax ID numbers (if necessary), and when all the recorders work is completed and the new ownership plats are updated.

3. Approvals

Group	Approval	Date
Utah Association of County Recorders	83%	12/18/2024
Utah Land Title Association Board		
Recorder Standards Board		