
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 621 Session of
2015

INTRODUCED BY MAJOR, BAKER, BOBACK, COHEN, EVERETT, GIBBONS,
GREINER, HARPER, A. HARRIS, JAMES, KILLION, KIRKLAND,
MARSHALL, MASSER, MILLARD, MURT, PICKETT, REED AND WHEELAND,
FEBRUARY 26, 2015

REFERRED TO COMMITTEE ON COMMERCE, FEBRUARY 26, 2015

AN ACT

1 Amending the act of March 18, 1875 (P.L.32, No.36), entitled "An
2 act requiring recorders of deeds to prepare and keep in their
3 respective offices general, direct and ad sectum indexes of
4 deeds and mortgages recorded therein, prescribing the duty of
5 said recorders and declaring that the entries in said general
6 indexes shall be notice to all persons," providing for
7 requirements of certain instruments as a condition of
8 recordation and for a fee for reprocessing; and making
9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The title of the act of March 18, 1875 (P.L.32,
13 No.36), entitled "Requiring recorders of deeds to prepare and
14 keep in their respective offices general, direct and ad sectum
15 indexes of deeds and mortgages recorded therein, prescribing the
16 duty of said recorders and declaring that the entries in said
17 general indexes shall be notice to all persons," is amended to
18 read:

19 AN ACT

20 Requiring recorders of deeds to prepare and keep in their

1 respective offices general, direct and ad [sectum] sectam
2 indexes of deeds and mortgages recorded therein, prescribing
3 the duty of said recorders and declaring that the entries in
4 said general indexes shall be notice to all persons.

5 Section 2. Section 1 of the act, amended October 16, 1980
6 (P.L.986, No.170), is amended to read:

7 Section 1. Be it enacted, &c., That in the addition to the
8 indexes which the recorder of deeds in each county of this
9 commonwealth is required to keep, the said recorder shall
10 carefully and accurately prepare and keep in his office two
11 general indexes of all deeds recorded therein, in one of which,
12 to be known as the direct index, he shall enter in their order
13 the name of the grantor, the name of the grantee, the volume and
14 page wherein the deed is recorded, and in the other, to be known
15 as the ad [sectum] sectam index, he shall enter in their order
16 the name of the grantee, the name of the grantor, the volume and
17 page wherein the deed is recorded. He shall in like manner also
18 prepare and keep two general indexes, one direct and the other
19 ad [sectum] sectam, of all mortgages recorded in his office. In
20 counties of the second class, he shall hereafter enter in both
21 said indexes of deeds and in both the indexes of mortgages, the
22 date of recording and the name of the city or borough or
23 township and the number of the ward thereof, if any, in which
24 the property affected is stated in the recorded instrument to be
25 located, and the primary as well as the permanent indexes shall
26 contain the foregoing entries as to date of recording and
27 locality of each property affected: Provided, That where an
28 instrument affects property in more than one ward, city,
29 borough, town or township and the space on the index is
30 insufficient to permit the writing of the locality of each

1 property affected, the name of the county alone shall be full
2 compliance with this act. Said indexes shall be arranged
3 alphabetically and in such a way as to afford an easy and ready
4 reference to said deeds and mortgages respectively, and shall be
5 written in a plain and legible hand: Provided however, That in
6 any county where such indexes have already been prepared and in
7 use, or where any special law relating to any of said indexes is
8 now in force, they shall be adopted and kept as if made in
9 pursuance of this act. Nothing herein contained shall prohibit
10 the recorder of deeds from combining the general indexes for
11 deeds with the general indexes for mortgages into one general
12 index.

13 Section 3. The act is amended by adding a section to read:

14 Section 1.1. (a) In addition to any other provision of law,
15 the recorder of deeds shall index in the direct and ad sectam
16 indexes all oil or gas documents presented for recording
17 according to:

18 (1) The name of each party to the oil or gas document.

19 (2) The name of each lessor listed in the addendum required
20 by subsection (c).

21 (b) A recorder of deeds, at his sole discretion, may refuse
22 to accept an oil or gas document containing or incorporating by
23 reference or by exhibit or by other means more than fifty
24 leases.

25 (c) An oil or gas document containing, or referring to by
26 incorporation, multiple leases shall include an addendum for the
27 purposes of the indexing required by subsection (a). The
28 addendum shall list each lease contained in the document or
29 incorporated by reference or exhibit or by other means by and
30 shall clearly identify for each lease:

1 (1) The names of the lessor or lessors.

2 (2) The prior recording information for the leasehold
3 interest.

4 (3) The property with which each lease is associated,
5 identified by:

6 (i) the name of any ward, city, borough, town or township in
7 which all or part of the property is located, in a county that
8 has not adopted a uniform parcel identifier system under the act
9 of January 15, 1988 (P.L.1, No.1), known as the "Uniform Parcel
10 Identifier Law"; or

11 (ii) the uniform parcel identifier number of the property,
12 in a county that has adopted a uniform parcel identifier system
13 under the "Uniform Parcel Identifier Law."

14 (d) (1) In addition to any other fee authorized by law, for
15 an oil or gas document, the recorder of deeds in a county that
16 has not adopted a uniform parcel identifier system under the
17 "Uniform Parcel Identifier Law," may assess a fee of six dollars
18 for each lease described, for which the lessor must be indexed
19 in accordance with subsection (a).

20 (2) If an oil or gas document contains, or refers to by
21 incorporation, multiple leases, the recorder of deeds, in a
22 county that has adopted the uniform parcel identifier system
23 under the "Uniform Parcel Identifier Law," must index the lessor
24 in accordance with subsection (a), but may not assess the fee
25 under paragraph (1). The recorder may assess such other fees as
26 authorized under law, including a fee, if adopted, to certify
27 each uniform parcel number.

28 (e) The purpose of this section is to provide greater access
29 to the public to information regarding oil and gas documents.
30 The following shall apply:

1 (1) This section shall apply to oil or gas documents
2 presented for recording after the effective date of this
3 section.

4 (2) Nothing in this section shall be construed to limit or
5 alter any requirement of law regarding the recording of
6 documents other than oil or gas documents.

7 (3) If an oil or gas document meets the requirements of this
8 section and all other statutes providing recording requirements,
9 the document shall be recorded. Nothing in this section shall be
10 construed to confer upon a recorder of deeds additional
11 authority to reject the oil or gas document, provided that it is
12 accompanied by an amount at least equal to the required
13 recording fees.

14 (4) Nothing in this section shall affect in any manner the
15 validity and enforceability of liens, mortgages or deeds of
16 trust in oil and gas property.

17 (5) This section shall not apply to or affect in any manner
18 the provisions of 13 Pa.C.S. Division 9 (relating to secured
19 transactions), including the provisions of Division 9 relating
20 to as-extracted collateral, the proceeds of as-extracted
21 collateral or fixtures used in oil and gas exploration,
22 extraction or production.

23 (6) Subsection (c) shall not be construed to confer a
24 recorder of deeds with the responsibility or the authority to
25 verify the accuracy of the information required in the addendum
26 required by that subsection.

27 (f) The following words and phrases when used in this
28 section shall have the meanings given to them in this subsection
29 unless the context clearly indicates otherwise:

30 "Lessor." The owner of record from whom mineral rights were

1 leased at the time the lease was originally executed, regardless
2 of whether a subsequent lease amended, restated or replaced the
3 original lease, and regardless of whether the original lessor
4 conveyed its reserved royalty interests to another person.

5 "Oil or gas document." A document which transfers all or
6 part of the interests of one party to another party in multiple
7 oil or gas leases.

8 "Party." The term shall include the grantor and grantee or
9 assignor and assignee or transferor and transferee.

10 "Person." Any natural person, association, fiduciary
11 partnership, corporation or other entity, including a
12 governmental entity.

13 Section 4. Nothing in this act shall affect any deed, other
14 transfers of real estate or an interest in real estate, fully
15 executed, acknowledged or recorded prior to the effective date
16 of this act.

17 Section 5. This act shall take effect in 60 days.