

ENROLLED ACT NO. 1, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to county clerks and records; modifying provisions relating to records maintained by county clerks; authorizing electronic indexing of records maintained by county clerks; increasing certain fees for filing records with county clerks; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-6-109, 18-3-103(c), 18-3-402(a)(i)(C), (ii) through (iv), (vii), (ix), (x)(intro), (A) and (C), (xi)(intro), (A), (B)(intro) and (C), (xii)(A), (xiii), (xvii) and (xviii), 18-3-514, 33-29-906(a), 34-1-130, 34-1-134, 34-3-104, 34-12-105, 34-12-110 and 34-12-114 are amended to read:

1-6-109. Lis pendens; record of notice.

The county clerk upon the filing of such notice shall record the ~~same notice in a book kept for that purpose~~ accordance with W.S. 18-3-402(a)(vi).

18-3-103. Offices and records to be kept within county; exceptions; records open to public inspection; removal for purposes of copying; penalty.

(c) All books, ~~and~~ papers and electronic records required to be in county offices are open to the examination of any person without fee. The officer in charge of any documents may temporarily remove them for lawful reproduction purposes and during the period of removal shall not be subject to any penalty. Any officer or person not complying with the provisions of this subsection shall forfeit five dollars (\$5.00) for each day he fails to comply.

18-3-402. Duties generally.

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(a) The county clerk shall:

(i) Act as clerk to the board of county commissioners and as such shall:

(C) ~~Record in a book provided for that purpose~~ Keep a record of all proceedings of the board;

(ii) Keep a ~~book in which are entered~~ record of all licenses, except marriage licenses, giving the names of the persons to whom such licenses are issued with the date, amount and purpose for which the license was issued;

(iii) Keep ~~a book of~~ blank county warrants or blank orders ~~with a blank margin~~ which shall be properly filled out before any warrants are delivered. He shall not deliver any warrant until it is properly signed by the chairman of the board of county commissioners, countersigned by the county treasurer and attested by himself with the county seal;

(iv) Keep a seal provided by the board of county commissioners, the impression, ink stamp or digital equivalent of which shall contain the words "The State of Wyoming, County Clerk", together with the name of the county;

(vii) Record any deed containing a metes and bounds description which may be accompanied by a map prepared in compliance with law and delineating the land described in the deed. If a map delineating the land has been previously recorded, the deed may make reference to the recorded map; ~~The county clerk shall charge a fee of five dollars (\$5.00) for recording these maps;~~

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(ix) Keep in his office a general index, direct and inverted, in which he shall make correct entries of every instrument recorded or filed under appropriate headings, entering the names of the grantors and grantees in alphabetical order. He shall make correct entries in the index of every instrument required by law to be entered therein. He shall immediately note in the appropriate index, ~~in the proper column and opposite the entry~~ whenever any mortgage, bond or other instrument has been released or discharged from record, whether by written release or by recording a deed of release;

(x) Keep a ~~receiving book, each page of which is divided into six (6) columns,~~ record specifying the time of reception, the names of the grantors, the names of the grantees, from whom received, to whom delivered and the fees received:

(A) Whenever any instrument is received for recording, immediately endorse upon the instrument his certificate, noting the day, hour and minute of its reception, the ~~book and page~~ reference where recorded, the fees received for recording and date of record;

(C) Whenever any instrument has been filed the county clerk shall immediately make an entry of the same, and after the instrument requiring recording is recorded he shall immediately deliver it to the person authorized to receive it; ~~writing the name of the person to whom it is delivered in the appropriate column;~~

(xi) Keep abstract ~~books provided by the board of county commissioners~~ records in which all transfers and mortgages of real property and all liens upon real estate are briefly entered. All instruments affecting real estate and left for record or filed in the office shall be abstracted

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against all lands described in the instrument either directly or by reference to another properly recorded instrument as soon as practicable in the order in which received:

(A) The county clerk shall enter in ~~dark colored ink in~~ the abstract ~~book~~ all recorded transfers of real estate and all mortgages, construction liens and judgment liens;

(B) All abstract entries of land shall ~~be made in a well bound properly ruled book which shall in the headlines~~ describe the legal division of land or subdivision, naming section, township and range according to the United States surveys when the same is described in the instrument filed for record. The ~~book~~ abstract entries shall ~~contain ruled parallel columns in which shall be entered~~ include:

(C) All abstract entries of town lots shall be made in a similar manner to those of lands ~~but and~~ shall ~~be in a separate book provided by the board of county commissioners and~~ reference the number of the lot and block. ~~shall appear in the headlines.~~

(xii) File or file and record every notice, abstract or statement of any lien or claim or release or discharge thereof in favor of the United States or any department or bureau thereof as provided by the laws of the United States when any such instrument has been prepared in conformity to the laws of the United States and is presented for filing or filing and recording:

(A) The county clerk shall number such notices, abstracts or statements in the order in which they are filed and if they are required to be recorded he shall record them in ~~a well bound book to be called~~ accordance with

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~~subparagraph (xi)(B) of this subsection, with the character of the instrument being called "federal lien"; record." All instruments which require filing or recording shall be indexed alphabetically under the names of the persons named or affected in a well bound book called "index to federal liens";~~

(xiii) Accept and use as official ~~record books~~ records, when furnished to him without charge, ~~books records~~ containing printed forms of water right contracts, forms for subscription to the stock of corporations or associations whereby water rights are acquired and forms of deeds of water rights from all corporations and water user associations organized for constructing, maintaining or operating ditches, reservoirs or other water works for irrigation, mining, milling or power purposes; ~~The charge for recording such instruments is ten cents (\$.10) per folio of one hundred (100) words actually written in pen and ink or typewritten;~~

(xvii) Permit any person authorized by the board of county commissioners of any new county or of any bonded abstract company, and at the expense of the new county or abstract company, to examine the records of all deeds, mortgages, maps and other instruments which affect any property located within the boundaries of the new county, and to transcribe, ~~or photograph~~ or reproduce the same: ~~in books provided by the new county or abstract company;~~

(A) The county clerk shall compare the transcribed, ~~or photographed~~ or reproduced instruments in his office and shall certify to the county clerk of the new county or the abstract company that they are true and correct copies of the originals. The county clerk certifying the ~~transcripts or photographs instruments~~ shall not receive ~~fifty cents (\$.50) per hour~~ any additional payment for time spent ~~by him~~

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in comparing and certifying the ~~transcripts or photographs~~ instruments. All expenses shall be paid by the new county;

(B) The county clerk of the new county or the bonded abstract company shall index and abstract ~~in the proper books~~—all transcribed, ~~or~~—photographed or reproduced instruments in accordance with paragraphs (vi) through (xii) of this subsection which shall be received in evidence and have the same effect as if they had been originally filed in the new county.

(xviii) Deliver upon the written demand of the county clerk of any new county all ~~books of record~~ records containing abstracts of lands in townships lying wholly within the boundaries of the new county and all ~~books~~ records containing abstracts of townsites and town lots lying wholly within the boundaries of the new county together with the plats of the townsites or town lots. When the county clerk of the new county has received the ~~books~~ records and abstracts they shall become a part of the records of the new county and no further abstracts of the instruments are required;

18-3-514. County officers to be provided with stationery and supplies.

Each board of county commissioners at the expense of the county shall annually furnish to the county assessor and county treasurer suitable blank books and forms necessary for their respective offices prepared in accordance with law. The board shall also provide suitable books and stationery for each of the county officers together with appropriate cases, equipment and furniture for the safe and convenient keeping of all the officer's books, documents and papers and shall provide official seals when required by law.

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33-29-906. Preservation of map records; public inspection.

(a) The county clerk of the county containing the corners, as part of his files, shall have on record maps of each township within the county, the bearings and lengths of the connecting lines to government corners and government corners looked for and not found. These records shall be preserved in ~~hardbound books in numerical order as filed~~ accordance with W.S. 18-3-402(a)(vi).

34-1-130. County clerk to discharge mortgage or deed of trust on record when certificate of release recorded.

Any mortgage or deed of trust shall be discharged upon the record thereof, by the county clerk in whose custody it shall be, or in whose office it is recorded, when there shall be recorded in his office a certificate or deed of release executed by the mortgagee, trustee or beneficiary, his assignee or legally authorized representative, or by a title agent or title insurer acting in accordance with the provisions of W.S. 34-1-145 through 34-1-150, acknowledged or proven and certified as by law prescribed to entitle conveyances to be recorded, specifying that such mortgage or deed of trust has been paid or otherwise satisfied or discharged, and the county clerk shall make a reference to such release ~~upon the margin of in~~ the record. ~~of the mortgage or trust deed.~~

34-1-134. Release; mortgage of bankrupt corporation mortgagee.

It shall be the duty of any county clerk within the state of Wyoming, upon request of any person and the filing in his office of a certified copy of an order of discharge of any

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receiver or trustee in bankruptcy of any national or state bank, trust company or building and loan association, to cancel of record any unreleased and unassigned mortgage or deed of trust of record in his office in which such national or state bank, trust company, or building and loan association, is mortgagee by releasing the said mortgage or deed of trust ~~on the margin of the book~~ in the record where the same has been placed of record, and said release shall be effective and constitute a discharge of the lien of said mortgage or trust deed upon the real property covered by the same in the same manner and to the same effect as if said release had been made by the mortgagee thereof.

34-3-104. Trustee's sale; form of deed for auctioned realty.

Every deed for real estate sold under a deed of trust may be made in the following form, or to the same effect:

This deed, made the day of between A. B., trustee, of the first part, and C. D., of the second part, whereas the said trustee, by virtue of the authority vested in him by the deed of trust hereinafter mentioned (or by an order of the district court of the county of) made on the day of (as the case may be), did sell as required by law, a certain tract (or lot, as the case may be), of land, situated in the county (or city, town or village, as the case may be), of conveyed by E. F. to the said A. B., trustee (or to G. H., trustee, as the case may be), by deed bearing date the day of, and recorded (if it be recorded), ~~in deed book, on page~~, in the office of the recorder of the county of, and bounded and described therein as follows: (Here insert the description and quantity as set forth in the deed of trust and any other description deemed necessary); at which sale the said C. D. became the purchaser

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for the sum of dollars. Now, therefore, this deed witnesseth that the said trustee hereby conveys and grants to the said C. D. the said real estate hereinbefore described, with all the right, title and interest held by the said E. F. therein, to have and to hold the said real estate and premises unto the said C. D., his heirs and assigns forever.

Witness the following signature and seal.

.....(Seal.)

34-12-105. Townsites; recording fees.

When any person, company or corporation, shall file a townsite plat, or an addition to a townsite, it must be accompanied by a ~~the~~ fee ~~of twenty-five dollars (\$25.00) listed in W.S. 18-3-402(a)(xvi)(0)~~ for the purpose of ~~purchasing an abstract book in which the lots and blocks must be described, this fee to include the~~ filing and recording of said plat. The record of the plat shall include a description of the lots and blocks.

34-12-110. Vacation; duty of county clerk.

The county clerk, in whose office the plats aforesaid are recorded, shall write in plain, legible letters across that part of ~~said the~~ plat so vacated, the word "vacated", and ~~also make a reference on the same to the volume and page in which the said~~ identify where the instrument of vacation is recorded.

34-12-114. Warranty of accurate description; notice if inaccurate description; proceedings upon repeal.

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Every conveyance of land in this state shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate, to enable the county clerk to ~~enter the same on the plat book~~ make entries as required by law to be kept; and when there is presented, ~~to be entered on the transfer book,~~ for entry any conveyance in which the description is not, in the opinion of the county clerk, sufficiently definite and accurate, he shall note said fact on said deed with that of the entry for transfer, and shall notify the person presenting the same, that the land therein not sufficiently described, must be platted within thirty (30) days thereafter. Any person aggrieved by the opinion of the county clerk may, within said thirty (30) days, appeal therefrom to the county commissioners, by claiming said appeal in writing, and thereupon, no further proceedings shall be taken by the county clerk; and at their next session the county commissioners shall determine said question, and direct whether or not said plat shall be executed and filed, and within what time, and if the grantor in such conveyance shall neglect for thirty (30) days thereafter to file for record a plat of said land, and of the appropriate congressional subdivision in which the same is found, duly executed and acknowledged as required by the county clerk, or, in case of appeal, as directed by the county commissioners, then the county clerk shall proceed, as is provided in W.S. 34-12-112, and cause such plat to be made and recorded, and thereupon the same proceedings shall be had, and rights shall accrue, and remedies had as are in said section provided. Such plat shall describe said tract of land, and any other subdivision of the smallest congressional subdivision of which the same is a part, numbering them by progressive numbers, setting forth the courses and distances, and numbers of acres, and such other memoranda as are usual and proper; and descriptions of such lots or subdivisions according to the number and designation thereof on said plat,

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shall be deemed good and sufficient for all purposes of conveyancing and taxation.

Section 2. W.S. 18-3-402(a)(xi)(B)(VIII) is repealed.

Section 3. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk