



State of Utah

County Recorder Standards Board

September 28, 2023
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:

1. Chairperson. Rashelle Hobbs, County Recorder, 1st/2nd Class: Utah Association of County Recorders
2. Vice Chairperson. Chad Montgomery, County Recorder, 3rd/4th/5th Class: Utah Association of County Recorders
3. Shelley Brennan, County Recorder, Utah Association of Counties
4. Robert Hartshorn, Vice President and Division Counsel at DR Horton, Utah Property Rights Coalition
5. Ryan Allred, Professional Land Surveyor, Utah Council of Land Surveyors
6. Paul Newton, Underwriter, Utah Land Title Association
7. Gage Zobell, Partner - Dorsey & Whitney, Utah Petroleum/Utah Mining/Professional Landman
8. Ben Stanley, Deputy Utah County Attorney - Assistant Civil Division Chief, Utah State Bar/Utah Association of County Recorders
9. Kreg Wagner, General Counsel - Utah Association Realtors, Utah State Bar/Utah Association of Realtors

Staff:

- Mark Steinagel, Director, Division of Professional Licensing
- Allison Pulsipher, Board Secretary, Division of Professional Licensing

Meetings. At the time of this report, the Board had met four times on the following dates:

- In person on June 15th
- Virtual on July 17th
- Virtual on August 21
- Virtual on September 18

Involvement of HB 351 Sponsor. In its first meeting, the Board invited Representative Jordan D Teuscher to attend. Representative Teuscher kindly attended, explaining his purpose for HB

351 and his hopes for the Board's work. He expressed his desire to assist and collaborate with the Board and answered questions from the Board members.

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 will be prepared for the rulemaking process later this fall:

- Name Discrepancies: Trusts
- Name Discrepancies: Individuals
- Name Discrepancies: Entities
- Recording of Documents with Blended Notary
- Title to Real Property Held in Trust

The following standards are under discussion, but have not yet been adopted by the Board at the time of this report:

- Recording of Plats for Lot Adjustments

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

Recommendations for Legislation

It its work reviewing standards for adoption by the Board, the Board also recommends the following changes (attached) to statute to meet the intent of HB 351:

1. Statutes 46-1-6.5 and 57-2a-7: Create consistency between both statutes regarding the definition of acknowledgments.

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