

IN THE SENATE

SENATE BILL NO. 1078

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO COUNTY RECORDERS; AMENDING SECTION 31-2402, IDAHO CODE, TO PROVIDE FOR THE RECORDING OF DEATH CERTIFICATES, TO CLARIFY THAT CERTAIN DOCUMENTS MUST BE RECORDED, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 31-2402, Idaho Code, be, and the same is hereby amended to read as follows:

31-2402. INSTRUMENTS TO BE RECORDED. (1) He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books or through approved electronic storage systems, in legible handwriting, typewriting or by photographic reproduction:

(a) Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate and leases which have been acknowledged or proved and transcripts of judgments or decrees which affect the title or possession of real property, including water rights, any part of which is situate in the county of which the person is the recorder.

(b) Certificates of marriage and marriage contracts.

(c) Wills admitted to probate.

(d) Official bonds.

(e) Notices of mechanics' liens.

(f) Transcripts of judgments which by law are made liens upon real estate.

(g) Notices of attachments upon real estate.

(h) Notices of the pendency of an action affecting real estate, the title thereto or possession thereof.

(i) Instruments describing or relating to the separate property of married women.

(j) Notices of preemption claims.

(k) Certified copies of any petitions, with the schedules omitted, ~~filled~~ filed in, and certified copies of any order or decree made or entered in, any proceeding under the national bankruptcy act.

(l) Financing statements under the uniform commercial code which cover timber to be cut, minerals or the like (including oil and gas), pursuant to section 28-9-301, Idaho Code, or fixtures.

(m) Notice of order of a general adjudication in conformance with section 42-1408, Idaho Code.

(n) Death certificates.

(o) Such other writings as are required or permitted by law to be recorded, as determined by the recorder.

(2) The recorder may refuse to record ~~any~~ a document which, in his discretion and through consultation with the county prosecutor, is not autho-

1 rized by law to be recorded, provided that a document listed in subsection  
2 (1) (a) through (n) of this section is authorized by law and must be recorded.  
3 Refusal pursuant to this section shall not create any liability.