



Legislative Budget and Finance Committee

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An Assessment of Fees Charged by PA County Recorders of Deeds

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October 2017

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Summary and Recommendation

House Resolution 1073 of 2016 calls on the Legislative Budget and Finance Committee to conduct a review of the fees collected by county Recorder of Deeds offices and to make recommendations for updating the current fee structure, particularly in light of efforts that have been made in Michigan and elsewhere to enact flat (i.e., predictable) fees.

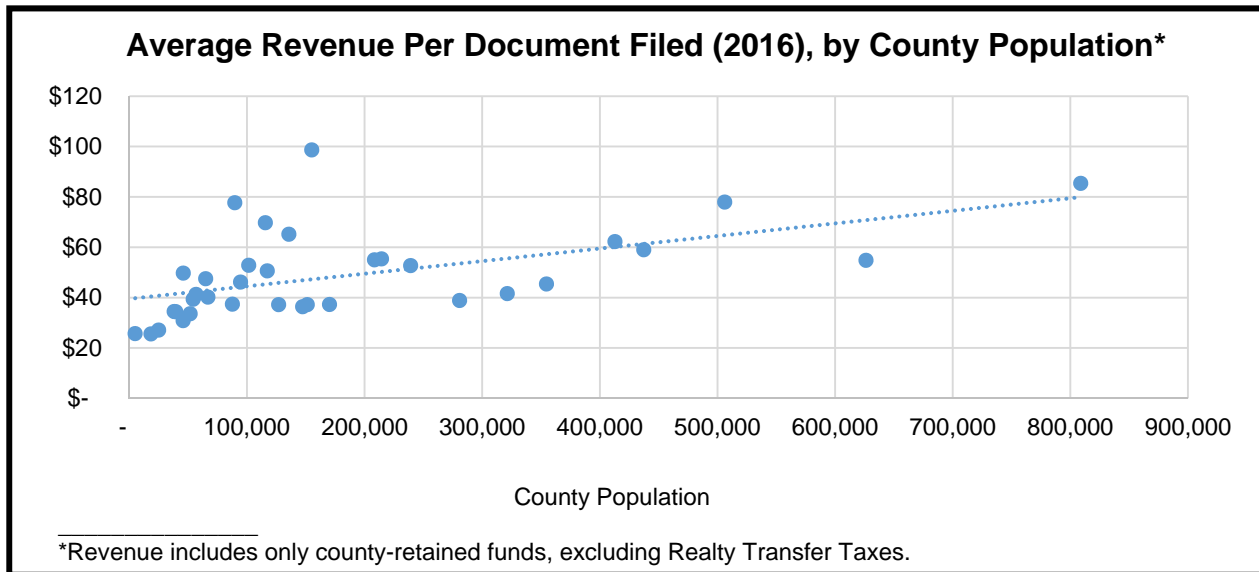
We found:

Fees charged by county Recorders of Deeds are difficult to predict because they can vary based on factors such as the number of pages or number of names that need to be indexed. While a few counties have flat fees (e.g., Philadelphia at \$222 for deeds and \$252 for mortgages and Allegheny at \$162 for all deeds and mortgages), most counties set fees using a combination of a base fee, along with per page, per name, per parcel, and per margin notation fees. Some counties also charge surcharges for oversized pages. Lenders and settlement agents complain that this level of complexity makes it difficult to determine correct fees, which increases their costs and can create problems at settlement. See below for a discussion of the federal Real Estate Settlement Procedures Act (RESPA). It also increases costs for Recorder of Deeds offices when compared to a flat fee.

State surcharges and other fees/taxes Recorders are required to collect far exceed the base fees to record documents. For all counties except Philadelphia and Allegheny, the base fee for a mortgage or deed is \$13. Under the Commonwealth's fee structure, counties are to add additional charges based on page length (if more than four pages), number of names (if more than four), parcels, and marginal notes. Recorders are also required by statute to collect a \$5 fee for county records improvement, and many counties also have opted to charge a uniform parcel identifier (UPI) fee, an Affordable Housing fee, and, in some instances, a Blighted Property fee (see below). Recorders are also mandated to collect \$35.50 per document in state surcharges for various judicial fees and \$0.50 per document as a state writ tax. Because deeds and mortgages are typically recorded together, the fee to the consumer is effectively doubled. Many Recorders expressed significant concern at having to collect these various fees and taxes, particularly the state fees and taxes, which are passed through in full to the Commonwealth.

The average revenue collected per document is directly related to the population of a county. Our survey of county Recorder of Deeds offices found that smaller counties tend to collect less per document recorded than larger counties. For example, counties with populations of less than 100,000 collected an average of \$39 per document recorded, compared to an average of \$56 per document for counties with populations of over 100,000. Although this is what we were told to expect (e.g., that Recorders of Deeds in smaller counties tend to feel more constrained in

what they can charge), it is somewhat counterintuitive; the volume of activity in larger counties generate economies of scale that should allow them to charge lower fees per document than in smaller counties.



Recorders of Deeds from larger counties are much more likely to report that the fees they collect exceed the cost to operate their offices than are Recorders from smaller counties. Of the 16 responding Recorders of Deeds in counties with populations of less than 100,000, 11 reported that the fees they collect are not sufficient to cover the costs to operate their offices. In contrast, of the 13 responding counties with populations over 200,000, 12 reported that the fees they collect significantly exceed (by at least 25 percent) the costs to operate their offices. Counties with populations between 100,000 and 200,000 were mixed, with three reporting the fees they collect were not sufficient to operate their offices, four reporting the fees significantly exceeded costs, and two reporting that the fees they collect approximately equal their cost of operations. Given that larger counties tend to have higher fees and can also take advantage of economies of scale that are not available to the smaller counties, it is not surprising that the county Recorder of Deeds offices in larger counties are significant revenue generators for their counties.

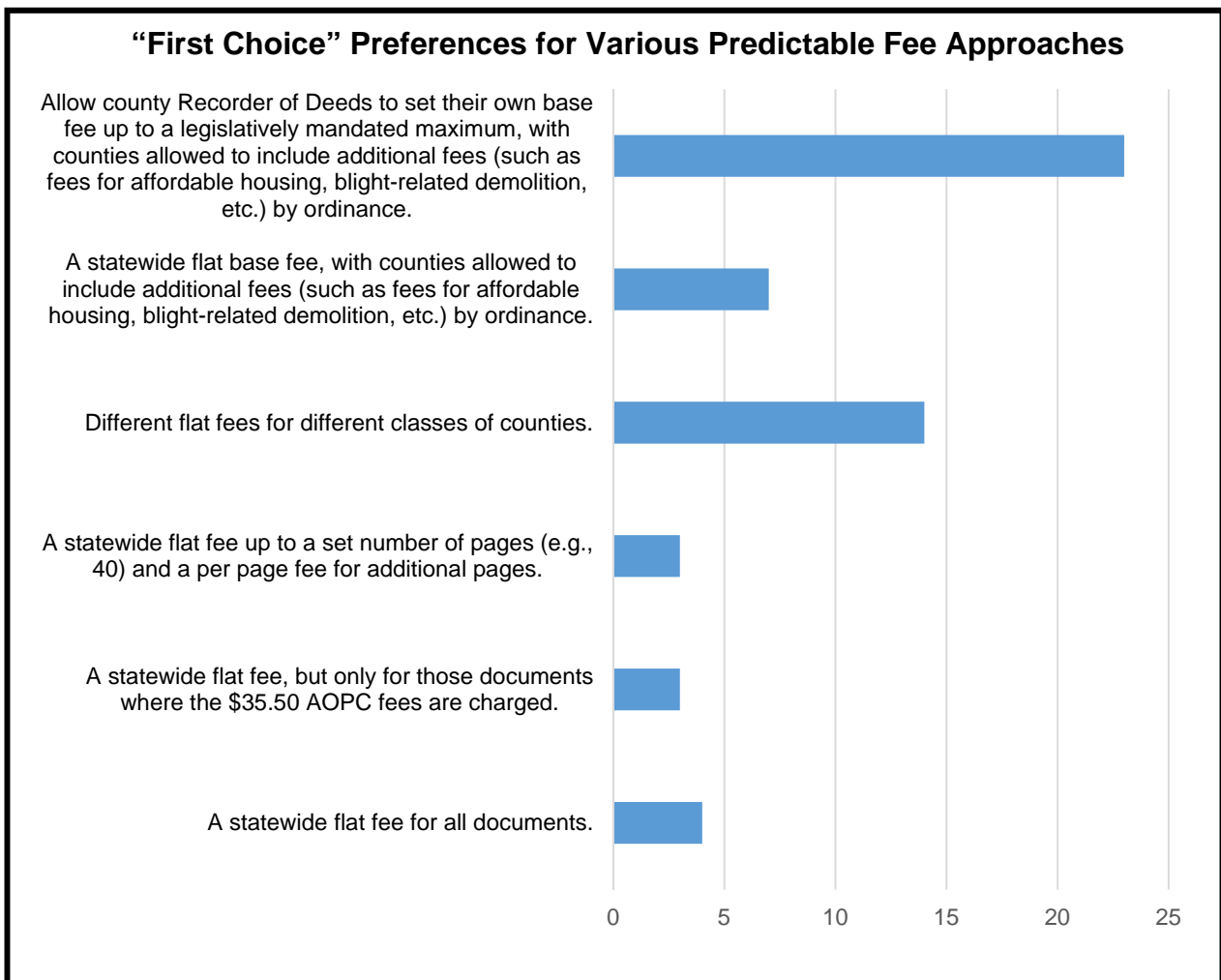
Most counties charge an affordable housing fee, but relatively few have adopted a blight-related demolition fee. Forty-three (81 percent) of the 53 responding Recorders of Deeds reported that their county has adopted an affordable housing fee, but only seven (15 percent) reported their county has enacted a blighted property demolition fee. Both of these fees are optional fees allowed by legislation.

The majority (54 percent) of responding Recorders of Deeds reported their county has adopted a uniform parcel identifier (UPI) system. Counties that implement a UPI system are allowed to charge a UPI fee. The most common fee was \$10 (15 counties), with eight counties charging \$20, and three counties charging \$15.

The county Recorders were mixed on the extent to which implementing a UPI system has resulted in cost savings, with four reporting it has resulted in significant savings, two reporting it has resulted in significant additional costs, and most (21) reporting either they do not know or that any resulting savings or additional costs have been minor. As might be expected, the counties that have not adopted a UPI system tend to be counties with populations under 100,000.

Among the six options we provided for a predictable fee structure, the option most favored by the county Recorders of Deeds, by a wide margin, was “Allow county Recorder of Deeds to set their own base fee up to a legislatively mandated maximum, with counties allowed to include additional fees (such as fees for affordable housing, blight-related demolition, etc.) by ordinance.” This was selected as the most preferable option by 23 of the 48 responding Recorders. This option was supported by both smaller (under 100,000) and larger (over 100,000) counties, with 11 of the 24 smaller counties choosing it as their preferred option and 12 of the 24 larger counties.

The second most popular option, “Different flat fees for different classes of counties,” was the preferred option of 14 Recorders of Deeds. A statewide flat fee for all documents was the preferred option for only four Recorders.



Most (62 percent) counties allow both paper filing and e-recording. Of those counties that allow only paper filings, most (65 percent) are counties with populations below 100,000. For those counties that use e-recording, 21 percent indicated it has resulted in minor savings for their offices and 14 percent indicated it has resulted in significant savings. Many (43 percent), however, reported that they did not know if e-recording has resulted in savings.

The 37 county Recorders providing such information reported collecting a total of \$27.5 million in county-level fees in 2016. This does not include approximately \$19 million in state fees collected, nor does it include any county or state realty transfer taxes. (We were not able to extrapolate these figures to a statewide estimate because neither of the state's two largest counties, Allegheny and Philadelphia, reported figures.)

Due to changes in the federal Real Estate Settlement Procedures Act (RESPA), many states are moving toward a "predictable" Recorder of Deed fee to avoid delays and penalties at settlement. Effective October 2015, the federal Consumer Financial Protection Bureau changed mortgage rate and fee disclosure rules to make it easier for consumers to understand their mortgages. As part of these changes, recording fees must be accurately disclosed at least one day prior to closing. If recording fees change (e.g., by adding or deleting names or pages) or are not accurately calculated, it may delay the timing of the loan settlement and result in fines of up to \$5,000 per day. This has resulted in a nationwide push for states to develop predictable recording fees, rather than fee structures, such as are common in Pennsylvania, that are prone to error because they vary based on factors such as the number of names, pages, or marginal notations in the document.

Fifteen states have enacted a predictable fee, but the approach they use varies widely. The simplest approach, a flat statewide fee for all documents, has only been adopted by four states: Michigan (\$30), Nevada (\$25), New Mexico (\$25), and Wisconsin (\$30), and several of these states allow certain exceptions/adjustments. The District of Columbia has a flat fee of \$150 for all mortgage and mortgage-related documents and a flat fee of \$25 for all other documents. Maryland has a flat fee of \$60 for deeds and mortgages, but different fees for other documents. Several states have adopted flat fees for documents of, for example, up to 30 pages, with an additional per page fee for larger documents. Illinois sets a flat fee of \$21, but allows counties to charge more if they conduct a cost study that justifies the additional fee. Louisiana has different flat fees depending on the number of pages (e.g., \$200 for documents 6-25 pages).

Recommendation

We recommend that, if the legislature decides to require predictable Recorder fees, it allow a reasonable degree of latitude for the fees to reflect the needs and circumstances of the various counties. As noted above, the predictable

fee approach most favored by the county Recorders of Deeds, by a wide margin, was to: “Allow county Recorder of Deeds to set their own base fee up to a legislatively mandated maximum, with counties allowed to include additional fees (such as fees for affordable housing, blight-related demolition, etc.) by ordinance.” While this approach lacks the simplicity of a single statewide fee, it would still allow lenders and settlement agents the ability to have a predictable fee as they would only need to know the type of document being recorded and the county in which the property is located.

We therefore recommend the legislature set a statewide base fee for counties of the second A through eighth classes at (approximately) \$20 for deeds, mortgages, mortgage satisfactions, and other documents that are subject to the \$35.50 state judicial surcharge.¹ These documents are the ones most commonly involved in property settlements and therefore would address the federal RESPA penalty/delay issues. We also recommend the legislature allow counties to increase the \$20 base fee to as much as (approximately) \$40 upon the written recommendation of the Recorder of Deeds and by ordinance of the county’s governing body. (This is the current process the legislature has established for counties to use to establish UPI fees.) This would allow counties to charge as little as \$61 per deed or mortgage (\$20 base+\$5 county records improvement fund+\$36 state taxes and surcharges) and allow other counties to charge as much as \$130 per deed or mortgage (\$40 base+\$5 county records improvement fund+\$20 UPI fee+ \$13.50 affordable housing fee+\$15 blighted property fee+\$36 state taxes and surcharges).

Under this plan, counties would be forbidden to charge additional fees based on page count, number of names, number of parcels, or marginal notations for those documents subject to the state judicial surcharge.

¹ County Recorders of Deeds often have fee schedules that cover well over 100 different types of documents/ transactions. We were unable to make recommendations for an appropriate fee for all these documents/transactions, and therefore focused on the nine documents that are assessed the state judicial surcharge (see pages 11-12). These nine documents comprise about 90 percent of all documents recorded by Recorders of Deeds.

Introduction

House Resolution 1073 of 2016 directed the Legislative Budget and Finance Committee to “conduct a comprehensive review of Federal and State laws related to document recording and county Recorder of Deeds operations and prepare a report of its findings.”

Scope and Objectives

As provided for in HR 1073, the study is to:

- Provide a comprehensive review of Federal and State laws related to document recording and county Recorder of Deeds operations in Pennsylvania.
- Determine the types of records maintained by county Recorder of Deeds offices and any other responsibilities assigned to the office by statute.
- Identify resources needed to support the maintenance of the records and the process for verification of the accuracy of records, both in counties with a UPI system and those without a UPI system.
- Compile a full listing of the statutory fee structure, including fees returned to the county and to this Commonwealth and any funds to which those fees are specially designated.
- Undertake a cost-effectiveness analysis comparing the varying methods of recording utilized within this Commonwealth.
- Compile a summary of laws and fee structures for recording of similar documents in other states, which shall include an examination of flat fee recording in the State of Michigan.
- Develop recommendations regarding updates to the current structure of applicable fees as relates to the recording of documents to assure that each county Recorder of Deeds is able to uphold its responsibility for the preservation of records relating to real property in the county as well as recommendations for consistent application of those fees across this Commonwealth so that all residents are treated fairly and uniformly.
- Develop recommendations regarding updates to the current structure of fees as relates to the recording of documents that are returned to this Commonwealth or otherwise designated for a special purpose.

Methodology

Much of the information in this report was derived from an on-line survey of all 67 Pennsylvania county Recorders of Deeds. Fifty-three (79 percent) of Recorders responded, although not all Recorders answered all questions. We also reviewed

office operations and interviewed Recorders of Deeds in three counties and attended the annual meeting of the Pennsylvania Recorders of Deeds Association. Other interviews included the Pennsylvania Land Title Association, the Pennsylvania Association of Realtors, and pertinent officials in states that have implemented predictable fee statutes.

Acknowledgements

We express our gratitude to the Pennsylvania Recorders of Deeds Association, the Pennsylvania Land Title Association, the Pennsylvania Association of Realtors, and the many Recorders of Deeds who allowed us to interview them and who responded to our questionnaire.

Important Note

This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as indicating that the Committee's members endorse all the report's findings and recommendations.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.

II. Role and Responsibilities of Pennsylvania Recorder of Deeds

A recorder (or sometimes register) of deeds is a public officer who records documents that establish ownership of property, mortgages, and other instruments that relate to real property in official record books provided and maintained for those purposes. The Recorder of Deeds maintains a single location where records of property deeds are indexed, allowing for that registry to be searched by persons interested in obtaining title to the property. Regularly recorded documents include deeds, mortgages, mechanic's liens, releases and plats, assignments of mortgages and coal, oil and gas leases, among others. To allow full access to deeds recorded throughout the office history, several indexes may be maintained, which include grantor-grantee indexes, tract indexes, and plat maps. Storage methods to record registry entries include paper, microform, and computer.

The Office of the Recorder of Deeds was provided for in Pennsylvania's Constitution of 1776 to guarantee ownership of all real property. Section 34 provided that:

A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each city and county...

Pennsylvania's current Constitution, at Art. 9, §4, also specifically provides that counties are to have, among other officers, a Recorder of Deeds, and all 67 Pennsylvania counties have a Recorder of Deeds Office.

Because estate in land can be held in so many complex ways, a single deeds registry provides some clarity, even though it cannot guarantee those real property rights. In particular, having a registry of recorded documents allows for both the ability to conduct a search of a property's title and permits for certainty of title. A title search occurs when an interested party needs to examine the title to a particular piece of property. The interested person will usually attempt to locate the deed or title at the county recorder's office, which will list the chain of ownership of the property as well as encumbrances to the title, such as a lien.

Certainty of title means that the recorded deed provides assurance that the property owner does indeed own the premises and is secured against legal challenges. Without proper recording, a title search is more complex and the property owner has a difficult time asserting their property rights against any challenges. Each document recorded against a title to real estate can be examined and the portion of the bundle of rights that it includes can be determined. This ability to assert certainty of title is essential for the investment of massive amounts of money in real

estate development for residential, commercial, industrial, and agricultural use each year.

Legal Responsibilities

As provided in legislation, county Recorders of Deeds have the following general powers and duties:

- To keep their offices, and all public records and papers, at the county seat, 16 P.S. §405; 16 P.S. §7201.
- To maintain the minute book and all fiscal records and documents open for taxpayer inspection, 16 P.S. §406.
- To appoint one first deputy to act in case of a vacancy in the Office,¹ 16 P.S. §1305.
- To appoint one or more clerks employed in the Office to administer oaths and affirmations to all persons pertaining to the business of the Office, 16 P.S. §1313.
- To appoint, in counties of the third through eighth classes, a solicitor to advise the Recorder on all legal matters and conduct all litigation connected with the Office, 16 P.S. §1314.
- To provide parchment, or good large books, or royal or other large paper, well bound and covered, wherein to record, in a fair and legible hand, all deeds and conveyances, which shall be brought to the Office for that purpose, 16 P.S. §9701.
- To furnish monthly to township commissioners/supervisors² a record of all transfers of property located within the township, 16 P.S. §9705.
- To furnish, upon written request, to tax collectors in boroughs, townships, school districts, towns, and second class A and third class cities, a record of all property transfers located within the requesting jurisdiction within 60 days of the transfer, 16 P.S. §9706.
- To keep a fair book in which to immediately note every deed or writing brought into his Office to be recorded and to record all such deeds and writing brought into the Office, 16 P.S. §9731.
- To record, in the county where the lands lie, all receipts for taxes on unseated lands given by the property county officers, 16 P.S. §9752.
- To record all letters of attorney, 16 P.S. §9755.
- To record and index any certificate of bankruptcy, 16 P.S. §§9756, 9757.

¹ The Recorder is authorized to appoint a second deputy recorder, 16 P.S. §1312.

² Except in counties of the second class.

- To record all final discharges of all honorably discharged non-commissioned officers and persons who were duly enlisted and mustered into the U.S. Armed Forces, a reserve component of the U.S. Armed Forces, or in any connected women’s organization, and all certificates of service issued to commissioned officers upon termination of active service as well as reports of separation or retirement,³ 16 P.S. §9759.
- To furnish to county commissioners the name and address of mortgagees or assignees on any mortgage offered for recording or assignment, 16 P.S. §9782.
- To keep and maintain two general indexes of all deeds recorded in the deed books, one index to be kept under the grantor’s name and the other to be kept under the grantee’s name, 16 P.S. §9851.
- To index every deed and mortgage, 16 P.S. §9852.
- To maintain an index of all instruments recorded using the uniform parcel identifier, 16 P.S. 9854.2.
- To include all sheriffs’, coroners’, and tax deeds entered in the records of the courts of common pleas into the indexes maintained by the Recorder of Deeds, 16 P.S. §9855.
- To have authority to take the acknowledgement and proof of the execution of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments, or for any contract, letter of attorney, or any other writing, under seal, to be used or recorded in their respective counties; such acknowledgement shall have the same force and effect as law as if the same had been made or taken before any judge of the Pennsylvania Supreme Court, or any of the courts of common pleas, or any of the magisterial district judges, 21 P.S. §§151, 152.
- To keep a daily record, separate and apart from all other records, of every deed or conveyance of land entered in his office for recording and to file the daily record in the Commissioner’s office on the first Monday of each month, 72 P.S. §5020-407.

Importantly, the Recorder of Deeds is to ensure the accuracy and legality of the document only as it relates to recordability; the Recorder is not responsible to ensure the document is accurate or meets other legal requirements pertaining to the transaction (e.g., the deed description).

The Process of Recording

The recording of instruments, as described by Ladner’s treatise on Pennsylvania Real Estate Law, refers to “the copying of them, by an official duly designated by the state, into a permanent medium that is preserved as a public record.” While technology has simplified how recording is done, it has not changed the basic steps

³ These records are confidential, 16 P.S. §9759.1.

involved. In general, a document must be received, reviewed, accepted or rejected, indexed, and stored as a copy. Pennsylvania's Recording Statute, 21 P.S. §§351-483.9 at §351, requires that a document be recorded to give effective notice to (and validity against) the claims of a subsequent purchaser, mortgagor, or judgment creditor.

The process of recording starts when a document is received by the recorder's office, either by it being hand delivered, delivered by mail, or electronically delivered in those counties that allow for documents to be e-recorded. E-recording is the process of electronically submitting documents via the Internet that would otherwise be physically delivered to the recorder's office. (E-recording also allows for the electronic processing of documents for recording.)

In 2012, Pennsylvania passed the Real Property Electronic Recording Act that allows county clerks and recorders to electronically record information on real property and land records. This includes, for example, authorizing county Recorders of Deeds to receive electronic documents as a means for recording real property. E-recording is utilized in 39 of the 67 county Recorder of Deeds offices.

Documents received by the Recorder of Deeds must be reviewed to ensure each document is in proper format and includes requisite information to allow it to be correctly recorded. While each Recorder of Deeds has discretion in determining what needs to be in place for a documents to be "recordable," several pieces of information, for example, are generally required to record a deed or mortgage, such as the following:

- the document needs to identify both sides of the transaction, be originally signed, and be dated;
- the document needs to be fully and formally acknowledged by a notary public and the date of the acknowledgement cannot predate the date of the document;
- a deed must contain a "Certificate of Residence" setting forth the precise residence and complete post office address for the grantees;
- a mortgage must similarly have the full name, residence, and address of the holder, owner, or assignee;
- both deeds and mortgages must indicate the property's municipality, county, and state;
- consideration must be total and complete, the written amount of consideration must match the numerical amount, and a deed must be accompanied by a Statement of Value form (or transfer taxes)(unless exemption is clearly stated in the deed); and
- the document must include the UPI number of property (in UPI counties).

PRODA encourages its member counties to adhere to certain formatting requirements and counties may additionally have other formatting requirements for the recording of instruments. Some county distinctive format requirements include, for example,

- required back cover sheet;
- use of corrective liquid and/or tape is prohibited;
- deed must be registered with municipality prior to recording;
- deed must have tax stamp prior to recording;
- tax identification number must be correctly formatted;
- exemption reason must be typed on first page; and
- notary stamps must have straight line border.

The review of documents submitted for recording is, generally, a three-step process. A document undergoes an initial review when received. This is to establish a document's recordability, correct classification, and whether proper fees have been paid. If these are met, the document is "recorded" in the sense it is entered into the public record. If the conditions are not met, the document is rejected.

Once recorded, a second review of the document then is undertaken by an "indexer." Indexing involves the overall process of accurately capturing unique information from the document. While indexing technically starts with the initial review upon receipt of the document, it is more intensely undertaken when the document is in the hands of the indexer. The indexer begins again in reviewing the document as set forth above for recordability, classification, and fees. Upon completion of the first indexer's review, a second "blind" indexing occurs with a different indexer. This involves having the second indexer review the document without information or conclusions from the first indexer. If the second reviewer confirms that the initial review was correct, the document is deemed verified and indexing is complete.

State law at 16 P.S. §9851 requires county Recorders of Deeds to maintain deed and mortgage indices. There must be a grantor and a grantee index for mortgages and deeds (or a combined general index of both mortgages and deeds). If a county maintains a uniform parcel identifier (UPI) system, then the document must be added to an index that is arranged by UPI numbers. If the county does not have a UPI system, then the document is to be indexed as to the party in all alphabetical indices. An index is simply a list of real property transfers maintained in alphabetical order of the last name of the parties transferring the property. There is a grantor index, which lists the grantors, and a grantee index, which is an alphabetic list of grantees. This distinction is less important now that all information is frequently maintained online and consists of a single database, which can then be manipulated through different search functions. By state law, an index must contain at least the following information:

- names of grantor and grantee and
- volume and page where document is recorded.

Recording Fees

The recording fee system is set by statute based on county classification. Second Class A through eighth class counties have a fee schedule at 42 P.S. §21051. This sets a base fee for the recording of certain documents with mortgages and deeds following a “per page” system that allows for an added fee where the length of the document or the names or parcels are additional beyond a base number. The statutory fee schedule is in Table 1 below (note: the \$11.50 fee and the \$1.50 certification fee are generally considered together, for a base fee of \$13 for documents such as mortgages and deeds).

First and Second Class County recording fees are set separately in other areas of the law. First Class recording fees are set forth at 16 P.S. §7629 and Second Class recording fees are described at 16 P.S. §11411. Both First and Second Class recording fees structures established by law utilize a per page and name method of allowing for added fees beyond certain page and name limits. However, both Philadelphia and Allegheny County have instead established flat fees under authority of their home rule structure. Moreover, neither county’s recorder is an elected position.

While we present fees separately, typically a property buyer will file both a mortgage and a deed when buying property, which effectively doubles the fee to a consumer (e.g., if the fee for a deed is \$72 and fee for a mortgage is \$95, the fee to the consumer who must file both documents is \$167).

Other Fees

In addition to fees allowed to be charged specifically for the recording of documents, state law allows for, and in some cases requires, certain additional fees to be collected by the county Recorder of Deeds offices.

County Records Improvement Fund – Pennsylvania law at 42 P.S. § 21052.1 creates a County Records Improvement Fund in all 2A through eighth class counties. This requires Recorders of Deeds to collect an added fee of \$5 for each document recorded. Of the \$5 collected, \$3 is to be distributed to the Recorder of Deeds to support office records management activities and system improvements. The remaining \$2 goes into the County Record Improvement Fund to be used by the county pursuant to a comprehensive records management plan to work toward standardizing and equalizing the capabilities of county offices consistent with their need to receive, manage, and provide information to the public as efficiently as possible.

Table 1

Recording Fee Schedule for Counties Class 2A through 8

Document	Fee	Document	Fee
Adjudication, certified excerpt	\$11.50	Mortgage satisfaction	\$ 5.00
Agreement	11.50	Order of court (except to satisfy)	11.50
Articles of incorporation	11.50	Order to satisfy lost mortgage	11.50
Amendments	11.50	Ordinances	11.50
Assignments	11.50	Power of attorney	11.50
Award	11.50	Release	11.50
Branding	11.50	Re-recording	11.50
Charter	11.50	Revocation	11.50
Commission--district judge	14.50	Right-of-way	11.50
Commission--notary public and bond	14.50	Sheriff's deed	11.50
Commission--police and oath	14.50	Mortgage satisfaction piece	11.50
Condominium:		Termination of Federal tax lien	9.50
Code of regulations	11.50	Filing fee for Act No. 287 of 1974 [FN1]	5.00
Declaration of plans	11.50	Copy--each township	2.00
Plan (24 x 36	25.00	Preferential assessments under Act No. 319 of 1974 [FN2]	11.50
Consent form	11.50	Certification and seal	1.50
Correction instrument or re-recording	11.50	Each name over four	.50
Decree of court feme sole trader	11.50	Each page or part over four	2.00
Deed	11.50	Each marginal notation	2.00
Each additional description	0.50	State highway and/or mining plans--first page	10.00
Each additional parcel number	0.50	Each additional page	3.00
Declaration of taking or trust	11.50	Each name indexed	.50
Discharge (veteran)	Free	Subdivision plans--fee to be set by Recorder of Deeds:	
Distribution	11.50	Acknowledgments	2.00
Easements	11.50	Searches:	
Election to take	11.50	Financial statements each debtor	5.00
Extension of mortgage	11.50	Additional fee ^b	1.00
Finance statements	9.50	Ownership	5.00
Assignment or release	9.50 ^a	Change of name	5.00
Continuation	9.50 ^a	Mortgage assignment	5.00
Secured transaction	9.50 ^a	Ancillary transaction	5.00
Termination	9.50 ^a	Copies:	
Finance statement-nonstandard-first supplement page	2.00	Per page	0.50
Each additional supplement page	1.00	Certification	1.50
Leases	11.50		
Mortgages	11.50		
Each additional description	0.50		
Each additional parcel number	0.50		

^a On standard form.

^b For each financing statement found and for each statement of assignment reported therein.

UPI Fee – Act 1 of 1988 authorized counties, with the written recommendation of its Recorder of Deeds, and by ordinance of its governing body, to establish a UPI system. Counties have the option to charge a fee for UPI services “if provided for by law.” Thirty-four counties have implemented a UPI system. The legislation does not establish a specific fee, and the UPI fees we reviewed ranged up to \$20.

Affordable Housing Fee – 53 Pa C.S.A. §6011 gives counties (Class 2A through eighth) the option to increase recording fees to fund affordable housing efforts in the county. At least 85 percent of these fees are to go directly to funding affordable housing efforts with no more than the remaining 15 percent addressing administrative costs of affordable housing efforts. The added fee, if adopted by a county, is not to “exceed 100 percent of the amounts charged on February 12, 1993.” This is generally understood to refer to the amount the county was charging in base fees (including per page/person additions) to record mortgages and deeds in effect on February 12, 1993. In the 38 counties where we found the optional Affordable Housing Fee being implemented, the fee ranged from \$5 to \$26.

Blighted Property Demolition Fund – In 2016, the legislature allowed for another optional added fee counties could choose to require the Recorder of Deeds to collect. Act 152 of 2016 provided that, in addition to regular recording fees, the governing body of a county may authorize the Recorder of Deeds to charge and collect a fee up to \$15 for each deed and mortgage recorded. The funds collected are to be used exclusively for the demolition of blighted property in the county. As of this report, six counties had implemented the optional blighted property fee, which ranged from \$10 to \$15.

Rejection/Return Fees – Counties often charge a rejection fees (e.g., \$10) if the document cannot be processed and has to be returned. This fee may only be charged once, or it may be charged multiple times if the document is rejected multiple times.

State Writ Tax – State law at 72 P.S. §3173 creates a tax of fifty cents to be collected by the county Recorder of Deeds for every deed, mortgage, and other instrument recorded. The state writ tax is transmitted in full to the Commonwealth.

State Surcharges – State law requires several surcharges to be collected by a county Recorder of Deeds. The effect of these five separate surcharges is to increase the base fee charged by a Recorder of Deeds by a total of \$35.50 for each applicable document. The surcharge funds are transmitted in full to the Commonwealth.

The five state surcharges are set forth below in Exhibit 1.

Exhibit 1

State Mandated Surcharges

Section	Amount of Surcharge	Applicability	Designated Use
42 Pa CSA §3733(a.1)(1)(v)	\$10.00	For each filing of a deed, mortgage, or property transfer for which a fee, charge, or cost is now authorized. The Supreme Court is to designate by financial regulations which filings meet the criteria of this provision. ^a	\$8 deposited into the Judicial Computer System Augmentation Account; \$2 deposited into the Access to Justice Account.
42 Pa CSA §3733.1(a)(1)	\$11.25 (expires 12/31/17)	Same as §3733(a.1) above.	Deposited into a separate reserve account within the Judicial Computer System Augmentation Account and appropriated to the Supreme Court under the fiscal Code, for the operation of the Judicial Department.
Same section at (a)(2)	\$2.25	Same as §3733(a.1) above.	Deposited into the Criminal Justice Enhancement Account.
Same section at (a)(3)	\$2.00	Same as §3733(a.1) above.	Deposited into the Access to Justice Account.
72 PS 1795.1-E	\$10.00 (expires 12/31/17)	Same as §3733(a.1) above.	Not designated.

^a The language at 42 Pa CSA §3733(a.1)(1)(v) states that the Supreme Court is to designate by financial regulations which filings meet the criteria of this provision. This was accomplished at 204 Pa Code §29.351.

Source: Developed by LB&FC staff from Pennsylvania Statutes.

Pennsylvania Supreme Court rules at 204 Pa Code §29.351 define the types of documents for which the state mandated surcharges apply. The surcharges are for “each filing of a deed, mortgage, or property transfer for which a fee, charge or cost is now authorized.” The rule identifies the following documents as meeting the above conditions:⁴

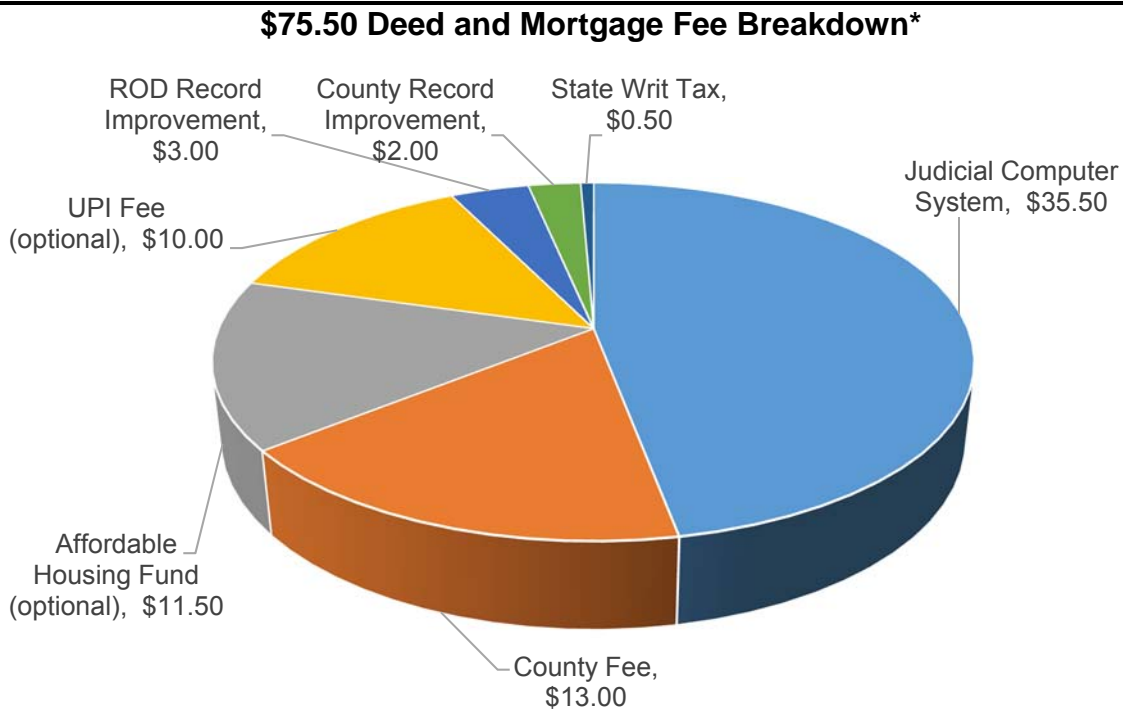
- deeds in any form;
- mortgages;
- mortgage assignments;
- mortgage releases;
- mortgage satisfaction pieces;
- installment sales agreements;

⁴ The rule states that the list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is also included.

- leases for a term of thirty (30) years or longer;
- easements; and
- rights of way.

A typical fee breakdown for a county that charges \$75.50 for a deed or mortgage is shown in Exhibit 2 (see also Appendix B for specific information by county).

Exhibit 2



*Does not include \$15 Blighted Property Fee which counties were allowed to enact beginning in 2016.

Source: Developed by LB&FC staff.

TILA-RESPA Integrated Disclosure Rule

The TILA-RESPA Integrated Disclosure rule consolidates four existing disclosures required under the federal Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA) for most closed-end consumer credit transactions secured by real estate into two forms.

As background, federal protection in consumer home financings has been provided through TILA, which protects consumers from closing cost abuses by standardizing the way mortgage terms and fees are calculated and disclosed. RESPA protects consumers from artificially inflated real estate transaction costs by prohibiting different housing services providers (like lenders, realtors, title companies, escrow companies, attorneys, and insurance companies) from paying each other fees

to refer consumers to each other. TILA and RESPA were created in 1968 and 1974, respectively, and are enforced by the Consumer Financial Protection Bureau (CFPB). Effective October 3, 2015, the CFPB changed the rules to combine all mortgage rate and fee disclosures required by TILA and RESPA into two simple forms to make it easier for consumers to understand their mortgages. This initiative is called the TILA-RESPA Integrated Disclosure Rule, often referred to as TRID.

Four disclosures that had been required under both TILA and RESPA have been replaced by two disclosures under the new rules. The lending and good faith estimate forms have been replaced by a single Loan Estimate, which must be provided to a prospective homeowner within three days of applying for a home purchase loan. The Loan Estimate provides a detailed line-item breakdown of fees, cash needed to close, rate, terms, and costs over the life of the loan. Also, the HUD-1 form and final Truth in Lending form have been replaced by a new Closing Disclosure form, which must be issued at least three days before settlement. It includes similar information as in the Loan Estimate, but then adds a breakdown of costs paid by buyer versus seller versus third parties.

There are timing issues and new obligations related to the Loan Estimate that did not exist before:

- The document **MUST** be delivered to the borrower no later than three business days before closing. This effectively creates a three-day waiting period between delivery of the document and closing. The borrower may waive the three-day period for bona fide financial emergencies.
- Certain changes to the Closing Disclosure trigger a new three-day waiting period. These include changes to the APR of the loan, changes to the loan product, or the addition of a prepayment penalty. Otherwise, the Closing Disclosure form can be resubmitted at or before closing, and allow for inspection one business day prior to closing.
- The Lender is obligated to ensure both the delivery of the document to the borrower and that the document is compliant in its contents. While the document may be prepared and even delivered by the settlement agent, the lender retains the obligation to ensure it was delivered and in compliance.

If recording fees change (e.g., by adding or deleting names or pages to a document) or are not accurately calculated, it may require the issuance of a revised Loan Estimate and delay the timing of the loan settlement. Moreover, errors in the Closing Disclosure may result in violation subject to fines. The Consumer Financial Protection Bureau can issue fines per day of up to \$5,000 for non-intentional violations, \$25,000 for reckless disregard and \$1,000,000 for knowingly violating the law.

III. Efforts to Improve Efficiency and Adequacy of Fees to Meet Expenses

To address the “cost-effectiveness of the varying methods of recording utilized within this Commonwealth,” we surveyed all Pennsylvania county Recorders of Deeds to determine their practices with regard to e-recording, UPI, electronic notarization, personnel, and third-party vendor services. We also attempted to assess the level of fees needed to support the needs of Recorder of Deeds offices. These issues are addressed below. (Please refer to Chapter V for the detailed results of all the survey questions.)

E-recording. Most responding counties (60 percent) use a combination of both paper filing and e-recording. Those counties that still only accept paper filings tend to be the smaller counties (average size of 95,311 versus 220,527 for those that accept e-records), although there are multiple examples of small counties that accept e-records (and one large county that still only accepts paper filings).

For those counties that use e-recording, 21 percent indicated it has resulted in minor savings for their offices, and 14 percent indicated it has resulted in significant savings. Many (43 percent), however, reported that they did not know if e-recording has resulted in savings.

Uniform Parcel Identifier (UPI). Most responding counties (54 percent) have implemented a UPI system, with larger counties tending to be more likely to have adopted a UPI system than the smaller counties. Again, however, there are many exceptions, with several counties with populations of less than 100,000 having adopted a UPI system and at least two large counties having not adopted a UPI system. Counties that implement a UPI system are allowed to charge a UPI fee. The most common fee cited in our survey was \$10 (15 counties), with eight counties charging \$20, and three counties charging \$15.

The county Recorders were mixed on the extent to which implementing a UPI system has resulted in cost savings, with four reporting it has resulted in significant savings, two reporting it has resulted in significant additional costs, and most (21) reporting either they do not know or that any resulting savings or additional costs have been minor.

Electronic Notarization. Only 17 (32 percent) of the 53 responding counties reported that they accept electronic notarization.

Personnel and Third Party Vendor Services. Only six counties reported having more than ten full-time staff equivalent positions working on Recorder of Deeds responsibilities; 27 reported full-time staff equivalents (not including the Recorder)

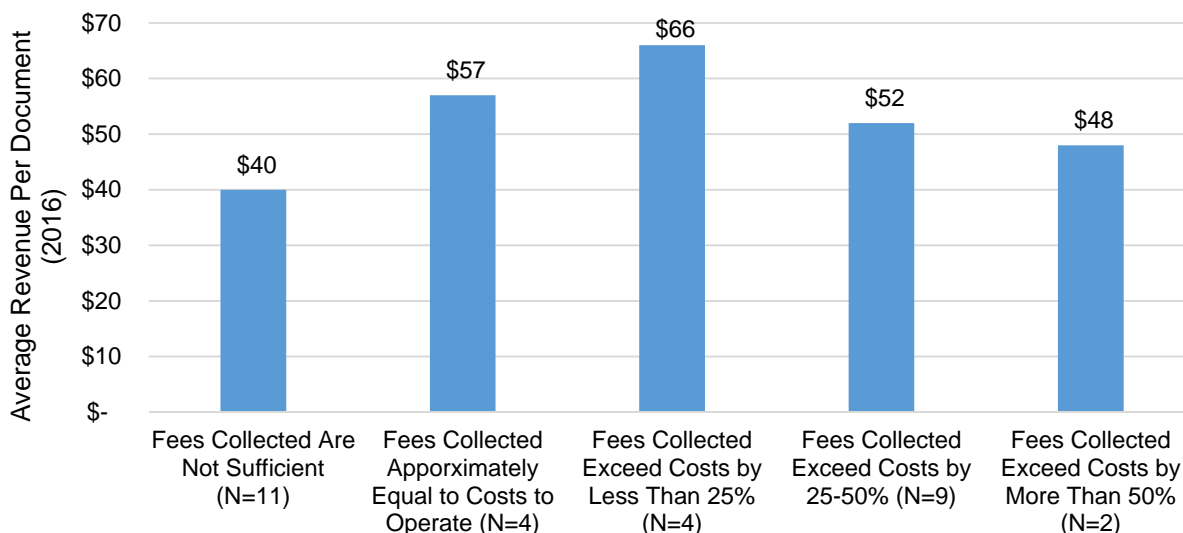
of four or fewer. Most (40) responding Recorder of Deeds offices purchase at least some third party vendor services. The amounts varied from \$6,000 to \$467,000, with most counties (25) reporting spending \$50,000 or less annually for such services.

Do Recorder of Deeds Fees Cover Expenses? Nineteen Recorders of Deeds reported that the fees they collect exceed the costs to operate their offices, with four reporting that the fees collected exceed the cost to operate their offices by more than 50 percent.¹ Fourteen Recorders of Deeds reported the fees they collect are not sufficient to cover costs, and five reported that the fees they collect are approximately equal to their costs to operate.

One might expect that the Recorders reporting that their revenues exceeded costs by more than 25 percent would also be the ones with high average revenues per document received but, as Exhibit 3 shows, this was not necessarily the case. While those Recorders that reported their revenues exceeded costs by more than 25 percent had higher average revenues per document (\$51 vs. \$40) than those counties reporting that the fees they collected were not sufficient to cover operations, the counties that reported their fee revenue either was approximately equal to operating costs or exceeded their operating costs by less than 25 percent had the highest average revenue per document (\$62).

Exhibit 3

Average Revenue Per Document (2016), by Reported Adequacy of Fee*



*Revenue includes only county-retained funds, excluding Realty Transfer Taxes.
 Source: Developed by LB&FC staff from a survey of County Recorders of Deeds.

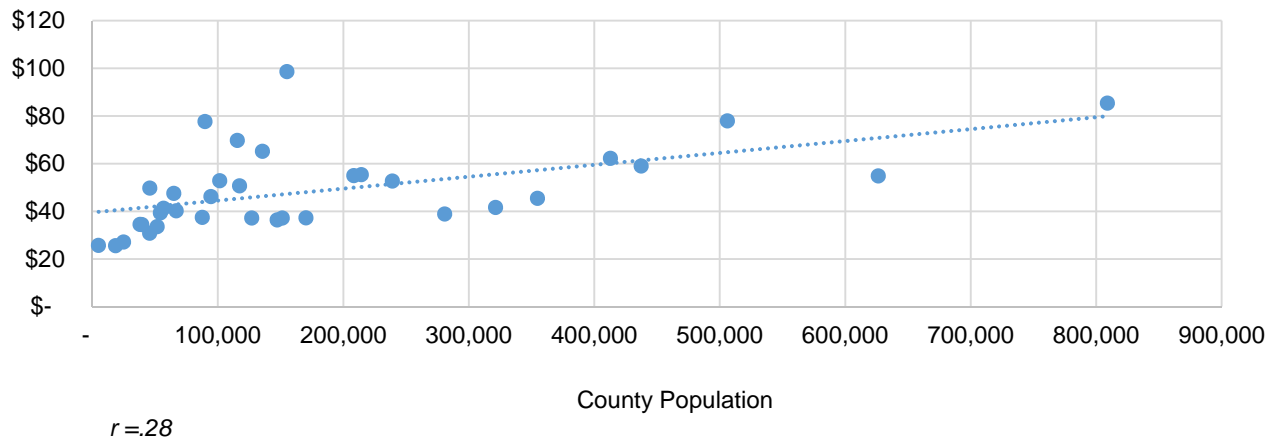
¹ For the purposes of this analysis, we asked Recorders to exclude “optional” fees such as the affordable housing fee and County Record Improvement Fund, as well as all state fees and all realty transfer taxes.

However, the size of a county was a strong predictor of the sufficiency of fees to cover costs, with 11 of the 16 reporting counties with populations of less than 100,000 indicating fees were not sufficient to cover costs, but only 3 of the 22 reporting counties with populations of over 100,000 indicating fees were not sufficient to cover costs.² This suggests that the cost efficiencies created by the larger volume of documents processed by the larger counties is likely a more significant factor than document fees in determining the extent to which fees cover or exceed the cost of office operations.³

Wide Variation Exists Between Counties in Revenue Generated Per Document. As can be seen from Exhibit 4, the total amount of revenue generated per document filed has a positive, but weak, correlation to county size.⁴ Exhibits 5 and 6 show a similar trend for two of the most common documents filed with Recorders, deeds and mortgages. These correlations show that larger counties tend to charge more (generate more revenue) per document than smaller counties. Although somewhat counterintuitive—based on economies of scale, it would be reasonable to think that larger counties would be able to charge less than smaller counties—this trend is what we were told to expect; that the larger, more urbanized counties tend to have higher fees, whereas the smaller, more rural counties are very reluctant to impose high fees on their residents, many of whom are low income.

Exhibit 4

Average Revenue Per Document Filed at County Recorder of Deeds Office (2016), by County Population*



*Revenue includes only county-retained funds, excluding Realty Transfer Taxes.

Source: Developed by LB&FC staff from a survey of County Recorders of Deeds.

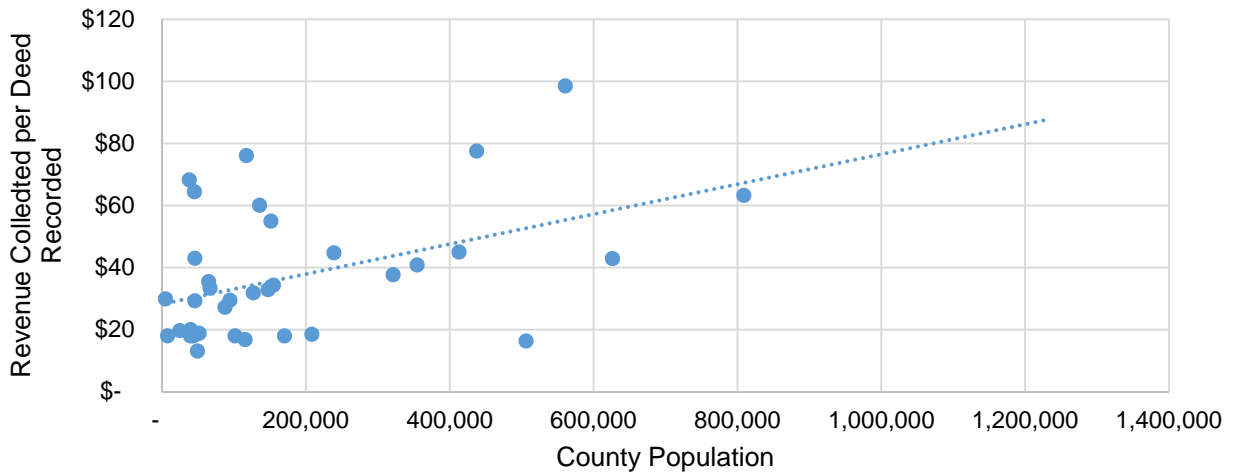
² All three of the counties with populations over 100,000 that reported their fees were not sufficient were still relatively small counties (under 140,000 population).

³ It is also possible the question was misinterpreted or difficult to answer. Oftentimes in smaller counties, the Recorder of Deeds office also serves as the Clerk of Orphans' Court and the Register of Wills. We asked that the Recorder respond for only those operations pertaining to their Recorder of Deeds operations, but it is likely they found it difficult to accurately separate the costs for their Recorder of Deeds operations only.

⁴ $r = .28$. A weak positive correlation is from .2 and .4; a moderate positive correlation is from .4 and .6; and a strong positive correlation is from .6 to .8.

Exhibit 5

Revenue Per Deed Recorded (2016), by County Population*



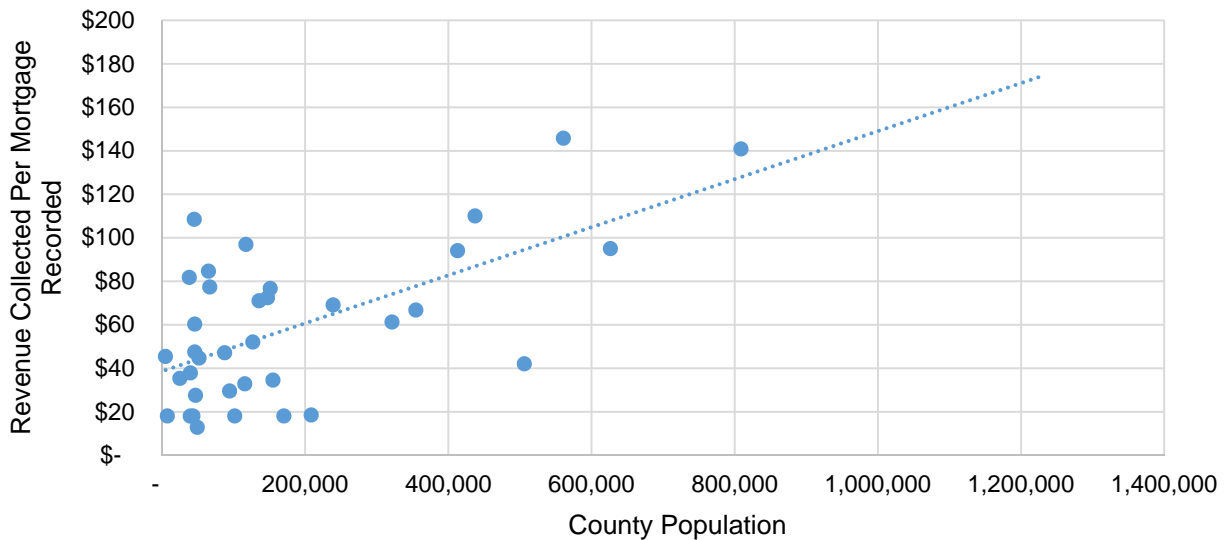
$r = .20$

*Revenue includes only county-retained funds, excluding Realty Transfer Taxes.

Source: Developed by LB&FC staff from a survey of County Recorders of Deeds.

Exhibit 6

Revenue Per Mortgage Recorded (2016), by County Population*



$r = .38$

*Revenue includes only county-retained funds, excluding Realty Transfer Taxes.

Source: Developed by LB&FC staff from a survey of County Recorders of Deeds.

The wide variation in revenue generated per document shown in Exhibit 4 suggests that it would be difficult to arrive at a uniform, statewide fee that could be applied to all counties. For example, a flat county fee of \$48 for all documents (the average amount of revenue generated by all documents in our survey⁵), would result in a near doubling of the average revenue for three counties, and yet would yield less than two-thirds of the current revenue for four other counties.

The problem remains even if different uniform fees were established for mortgages than for deeds. For example, a flat county fee of \$60 for a basic mortgage (the average amount of revenue generated by these documents in our survey was \$59), would result in a more than doubling of fees for nine counties, yet would yield less than two-thirds of the current revenue currently being generated by these documents for seven other counties. A similar situation would arise if a flat fee of \$35 was charged for deeds (the average amount of revenue generated by these documents in our survey was \$37); a flat \$35 fee would result in near doubling of fees for 11 counties, yet would yield less than half of the revenue currently being generated by those fees for three other counties.

⁵ Unweighted average. Includes county-retained funds such as the Records Improvement Fund but excludes realty transfer taxes and all fees submitted to the Commonwealth.

IV. Predictable Fees States

According to the Property Records Industry Association, 15 states have adopted a predictable fees structure regarding the recording of documents.

Arizona. In 2015, Arizona Senate Bill 2015 was adopted amending Section 11-475, Arizona Revised Statutes relating to county recorders and the fees that are to be charged upon recording certain documents. SB 2015 implemented for deeds, mortgages, and releases of mortgages, as follows: Deeds \$15, mortgages \$25, and releases of mortgages \$25. All others documents would be charged a fee as based on the additional page method, charging \$5 for the first five pages and then an additional \$1 for each additional page.

District of Columbia. As of 2012, the District of Columbia went to a flat fee for the recording of all documents. For mortgages and mortgage related documents, such as modifications and amendments, the recording fee is \$150. For all other documents, the fee is \$25. There is a \$6.50 surcharge on all documents recorded that is additional to the flat fee.

Idaho. As of July 2017, Idaho has switched from a primarily page counting system to a more flat recording fee. Section 31-3205 of the Idaho Code was modified by HB 205 of 2017 to set flat recording fees for the following documents with a 30-page limit for each document:

- Deeds: \$15
- Mortgages, security agreements, and assignment of leases and rents: \$45
- Re-conveyances of trust deeds and releases of mortgages: \$15
- Powers of attorney: \$25

Illinois. House Bill 3036 of 2017 requires Illinois counties to adopt, by January of 2019, a predictable fee schedule for the recording of documents with the goal of eliminating surcharges previously imposed that were based on characteristics of the document. For example, the law says “[u]nder a predictable fee schedule, no charge shall be based on: page count; number, length, or type of legal descriptions; number of tax identification or other parcel identifying code numbers; number of common addresses; number of references contained as to other recorded documents or document numbers; or any other individual attribute of the document except as expressly provided in this Section.” The law sets the initial fee level at \$21 for five different classifications of documents: deeds, leases, mortgages, easements (not otherwise part of another classification), and miscellaneous. The \$21 is a \$12 minimum for the county and \$9 for a state Rental Housing Support Program. If the county seeks to set its predictable fees greater than \$21, it must do so in connection

with cost study information. If no cost study has been performed, fees may be set at the average fees collected for each classification for the prior 3 years rounded up to the next whole dollar; if a cost study has been performed within 3 years showing \$21 is not sufficient to cover the costs of services related to each class of document, fees may be set at the average fees collected for each classification from the date of the cost study rounded up to the next whole dollar. After the initial predictable fee, it may be changed by a county “only if the increase is justified by a cost study that shows that the fees allowed by subsections (c) and (d) are not sufficient to cover the cost of providing the service related to the document class for which the fee is to be increased.”

Indiana. As of July 1, 2017, Indiana also has gone to a predictable fee structure in response to the federal TILA-RESPA changes. Mortgages have a \$55 flat fee. (This includes Mortgages, Subordinate Mortgages, Corrective Mortgages, Re-recorded Mortgages, Indentures and Supplemental Indentures.) Deeds and all other instruments are to be recorded for a \$25 flat fee, which includes the first oversized page (defined as pages exceeding 8½” x 14”) in any document. Additional oversized pages contained in any document will be charged at \$5 each. The certification of document fee remains the same at \$5 for each document.

Louisiana. As of August 1, 2017, Louisiana begins as a predictable fee state. Documents are classified by size and a separate indexing fee applies. The fee structure is as follows:

- One to five page documents: \$100
- Six to twenty-five page documents: \$200
- Twenty-six to fifty page documents: \$300
- Documents over fifty pages: \$300 for first fifty pages and then \$5 for each subsequent page.
- Fees include indexing of up to ten names; subsequent names to be indexed are \$5 each.
- An affidavit to cancel a single mortgage, lien, or privilege: \$50

Maryland. Fees for recording in Maryland are as follows:

- Deed \$60
- Deed of Trust (Mortgage) for a Principal Residence \$60
- Deed of Trust (Mortgage) for an Investment Property \$115
- Power of Attorney \$20

Massachusetts. As of 2003, a flat fee schedule is set forth by the Secretary of the Commonwealth which states its purpose is to standardize fees for recorded and

registered land, sets fee for the entire document regardless of the number of pages, eliminates charges for extra marginal references, and standardizes recording fees for plans. Fees are listed as follows:

- Deed: \$125
- Mortgage: \$175
- Mortgage Foreclosure Deed & Affidavit: \$125
- Mortgage Discharge, Release or Partial Release: \$75
- All other documents: \$75

Michigan. Pursuant to Article 7 of the Michigan Constitution, each of Michigan's 83 counties is required to have a register of deeds, responsible for recording real estate documents in the county. Historically, recording fees were based on the number of pages in the document being recorded. That changed on October 1, 2016, when Michigan adopted a flat recording fee. On June 22, 2016, Michigan's governor signed into law a package of nine bills providing for flat recording fees for various classifications of documents (Michigan Public Acts 224 through 232 of 2016). Pursuant to this, county register of deeds offices began charging a flat recording fee of \$30.00 per document recorded, regardless of the number of pages. Five dollars of the flat fee is to be deposited into an automation fund established by each county and managed by the county treasurer. The fund is to be used to upgrade technology in the register of deeds office, with priority given to upgrading search capabilities. The new law does allow "charter counties," by ordinance or resolution, to impose fees that deviate from the flat fee, provided that the fee is not greater than the cost of the service provided.

Minnesota. Minnesota Statutes 357.18 sets forth a system of flat recording fees. The statewide fee schedule is as follows:

- for indexing and recording any deed or other instrument: \$46 (\$10.50 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited in the technology fund; and \$25.50 shall be deposited in the county general fund); and
- for documents containing multiple assignments, partial releases or satisfactions: \$46; if the document cites more than four recorded instruments, an additional fee of \$10 for each additional instrument cited over the first four citations.

Nevada. On October 1, 2017, Nevada enters the grouping of states that have implemented a flat, predictable recording fee. The base recording fee is \$25; however, there are additional fees the County Recorder collects on behalf of other governmental agencies as directed by the Nevada Revised Statutes. Therefore, instead

of page counting for every document and dealing with non-compliance fees, the fee will be \$38 or \$35 for each recorded document, depending on the County.

New Mexico. As of 2011, pursuant to New Mexico Senate Bill 369, a County Clerk is to collect a flat recording fee of \$25 for each document filed or recorded. If a document being filed or recorded contains more than ten entries to be indexed, there is then an additional \$25 fee for each additional block of ten or fewer entries to the index from each document.

North Carolina. A North Carolina has operates with what is recognized as a flat fee, although it still utilizes page counting. Recording fees are as follows:

- Instruments except deeds of trust and mortgages: \$26 for the first 15 pages, \$4 each additional page.
- Deeds of trust and mortgages: \$64 for the first 35 pages, \$4 each additional page.
- Nonstandard document: \$25.
- Satisfaction instruments: No fee.
- Each additional index reference on Assignments: \$10.
- Each additional required indexed party (over 20): \$2 per name.

South Dakota. South Dakota Codified Law Section 7-9-15 (effective as of July 2012) sets forth fees to be charged by each county Register of Deeds for recording documents. Fees are as follows:

- Deeds, Mortgages, Assignments, Satisfactions, Easements, and Leases: \$30 for the first 50 pages.
- Mortgage Assignments (no more than one assignment listed per document): \$30 for the first 50 pages.
- Oil, gas & mineral leases & other docs relating to mineral or oil & gas lease exploration and development: \$30 for the first 50 pages.
- Documents over 50 pages require the recording fee plus \$2 for each additional page. No more than one mortgage may be satisfied, continued, or assigned in one document.

Wisconsin. Wisconsin Act 314 (2010) changed the Register of Deeds recording fee to \$30 flat fee regardless of the number of pages, effective June 25, 2010. This changed the recording fee of \$11 for the first page plus \$2 for each additional page to a flat fee of \$30.

See Table 2 for a list of the flat fee states.

Table 2

Flat Fee States

State/Area	Deed	Mortgage	Date Adopted
Arizona	\$15	\$25	2015
District of Columbia	25	150	2012
Idaho	15 ^a	45 ^a	2017
Illinois	21	21	2017
Indiana	55 ^b	25 ^b	2017
Louisiana	100 ^c	100 ^c	2017
Maryland	60	60 ^d 115 ^e	2011
Massachusetts	125	175	2003
Michigan	30	30	2016
Minnesota	46	46	2008
Nevada	38 ^f	38 ^f	2017
New Mexico	25 ^g	25 ^g	2011
North Carolina	26 ^h	64 ⁱ	2016
South Dakota	30 ^j	30 ^j	2012
Wisconsin	30	30	2010

^a A thirty page limit applies.

^b Additional charges apply for additional oversized pages beyond one.

^c Louisiana's flat fee is structured around the page length of a document: documents with five or fewer pages are recorded for \$100; six to 25 pages is \$200; 26 to 50 pages is \$300; and documents over 50 pages are \$300 for the first 50 pages and then \$5 for each additional page.

^d Fee is applicable to a primary residence.

^e Fee is applicable to an investment property.

^f Or \$35 depending on the county.

^g An additional \$25 fee for each additional block of ten or fewer entries to be indexed applies.

^h For the first 15 pages, and then \$4 for each additional page.

ⁱ For the first 35 pages, and then \$4 for each additional page.

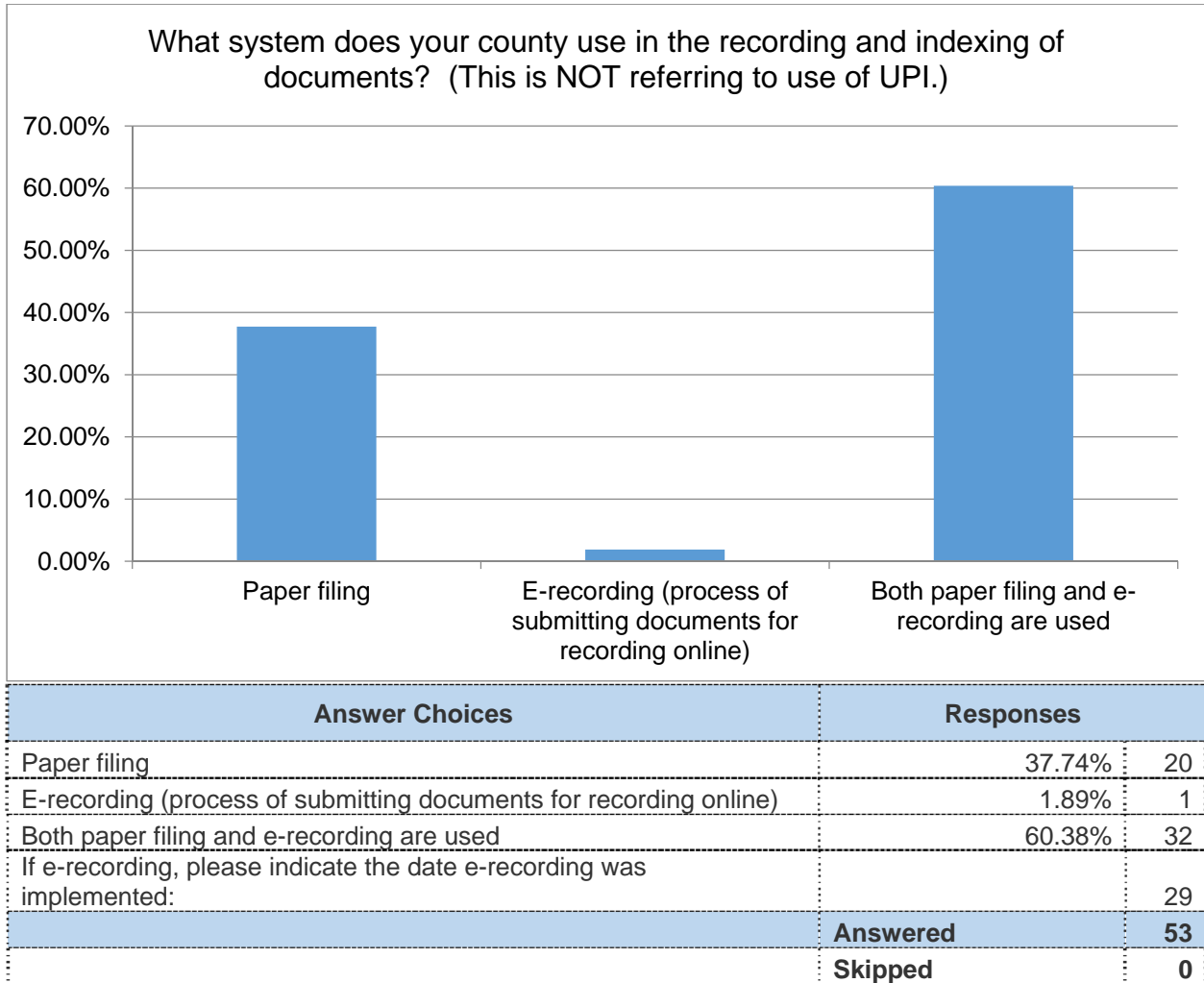
^j For the first 50 pages, and then \$2 for each additional page.

Source: Developed by LB&FC staff from information on states' websites.

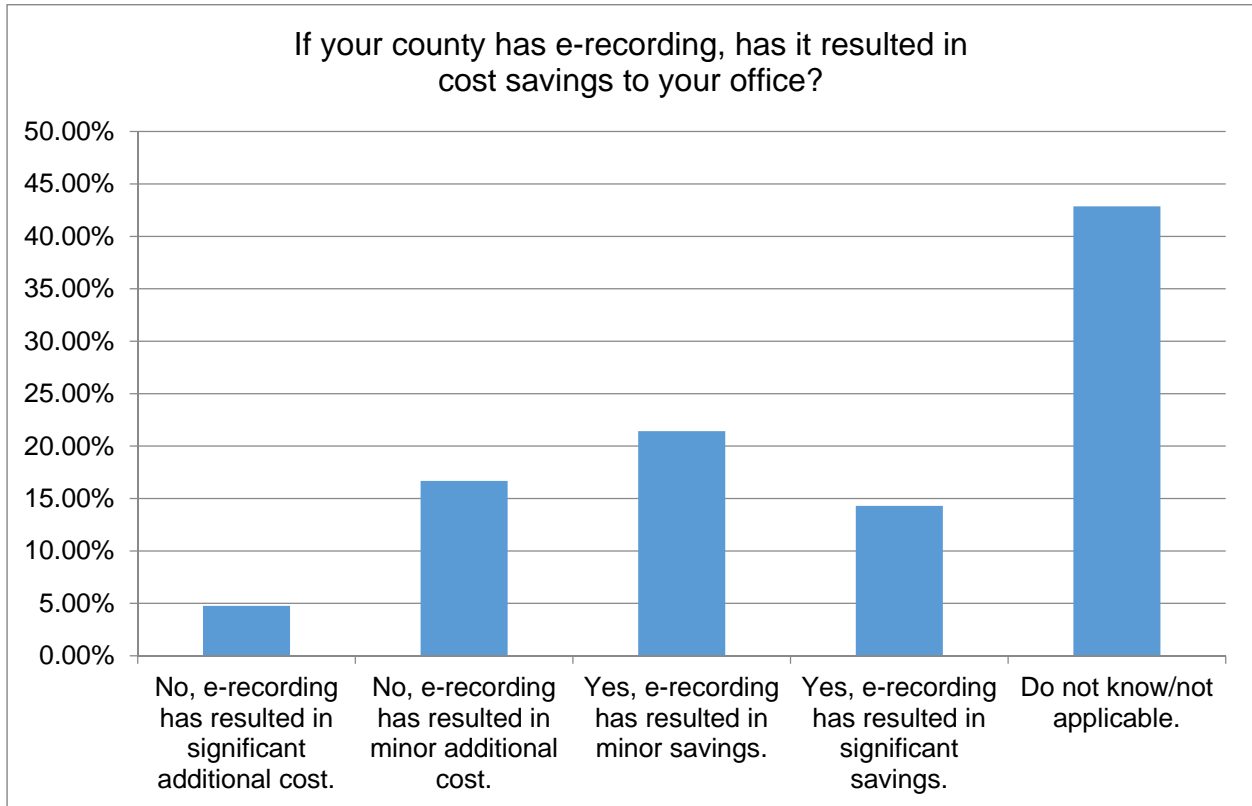
V. Survey Results

In July 2017, we sent an e-mail with a link to a Survey Monkey (online) questionnaire to all 67 county Recorders of Deeds, of whom 53 responded. Below are the tabulations and comments.

Question 1



Question 2



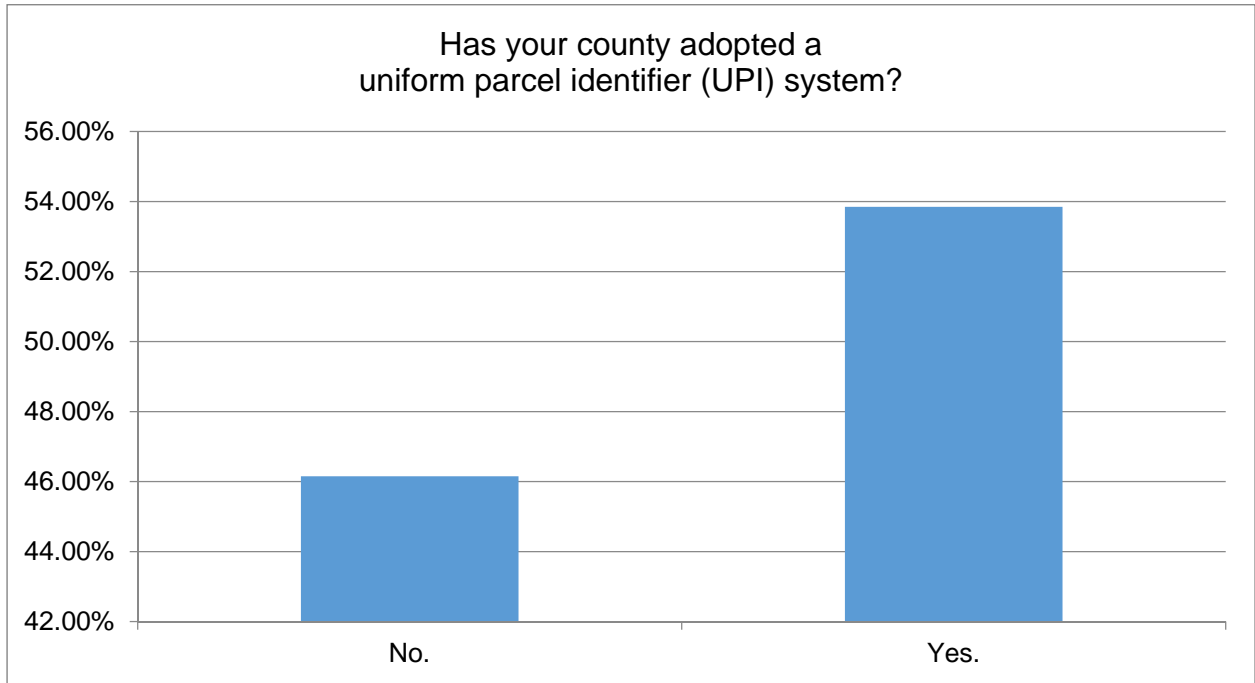
Answer Choices	Responses
No, e-recording has resulted in significant additional cost.	4.76% 2
No, e-recording has resulted in minor additional cost.	16.67% 7
Yes, e-recording has resulted in minor savings.	21.43% 9
Yes, e-recording has resulted in significant savings.	14.29% 6
Do not know/not applicable.	42.86% 18
	Answered 42
	Skipped 11

Respondent	Comment:
1	We are operating with less staff as we do not have to scan or otherwise handle e-recordings. Currently we e-record 60% of our total volume.
2	E-recording saves time more than money on this side of the issue. The housing market has not increased so at this time the need for an additional employee does not come into play where it would save money.
3	Have not noticed any cost savings. A little savings on employees' time with not having to mail back documents.
4	E-recording has resulted in significant saving due to the ability to reduce staff.
5	Less paper use in office.
6	Efficiency has improved more than cost savings.
7	Not noticed any cost effective changes.
8	Mailing and postage.

Question 2 (Continued)

If your county has e-recording, has it resulted in cost savings to your office?	
Respondent	Comment:
9	Sometimes the problems we have with e-recording takes staff longer to process document then it would have if it had been brought in or mailed in.
10	E-filing has been cost saving in my office as I had a clerk retire and I did not replace her. More and more documents are now done in e-recording and I didn't need extra counter help. I re-assigned jobs to other clerks and we re-adjusted the work flow.
11	The additional cost is in our having to print Realty Transfer Tax Statements of Value with attachments to send to PA Department of Revenue. As I indicated it is a minor additional cost.
12	More of a time savings.
13	We were able to eliminate one full time position through attrition that saves the county \$50,000 - \$75,000 a year.
14	E-recording cuts the time spent per document drastically we can record 5 or 6 e-recordings in the time of one paper document.
15	The system costs money & has ongoing yearly maintenance costs.
16	No change. You still have to index, note, verify, etc.
17	We save postage for the number of e-Recording submitted. The time savings is a minor savings.
18	Minor savings with postage.
19	Very, very minor savings.

Question 3

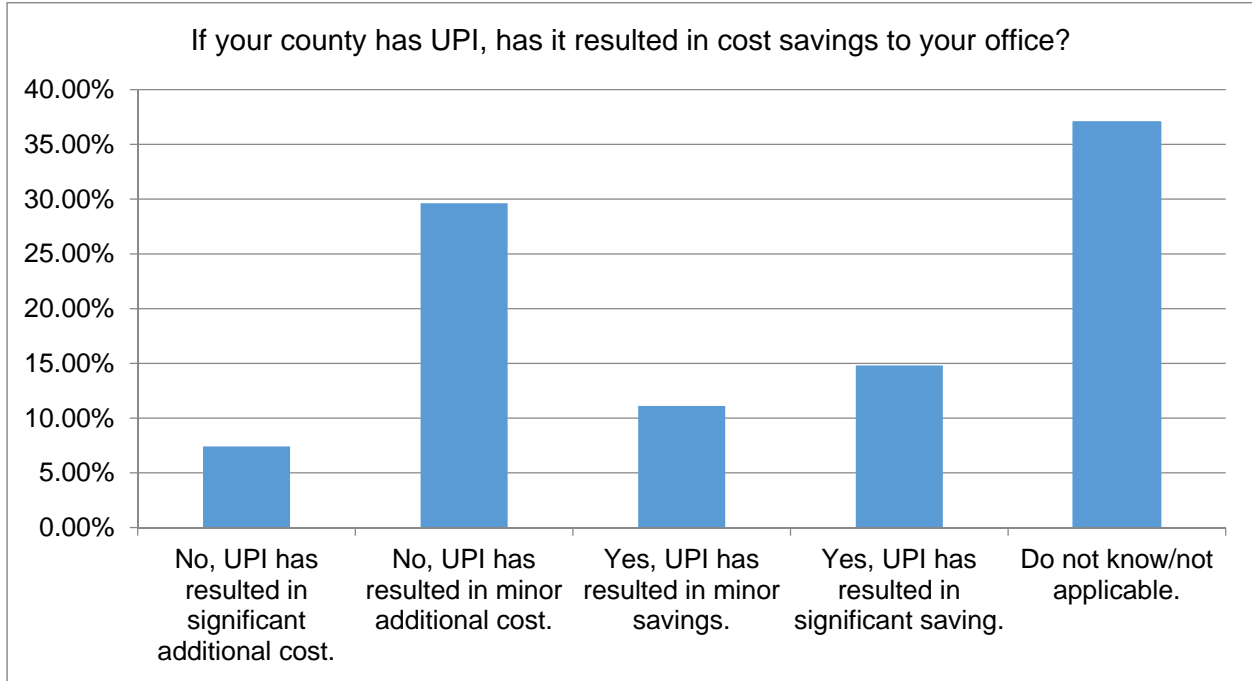


Answer Choices	Responses	
No.	46.15%	24
Yes.	53.85%	28
Answered		52
Skipped		1

Question 4

If your county has UPI, how much of a fee is charged for UPI document certification?	
Respondent	Answer
1	\$15
2	\$10
3	\$10 per parcel ID#
4	\$10 per UPI
5	\$10
6	\$20 per parcel number
7	\$20 per UPI number
8	\$10
9	\$10 per certification
10	\$20 per UPI number
11	\$10 per parcel
12	\$20 per parcel
13	\$10 per parcel deeds only
14	\$20
15	\$20 per parcel
16	\$20 per parcel
17	\$15 per parcel
18	\$10
19	\$15
20	\$10
21	\$10
22	\$10/document
23	\$10 per parcel number
24	\$10 per document requiring UPI
25	\$10 a parcel
26	\$10
27	\$20 per UPI

Question 5



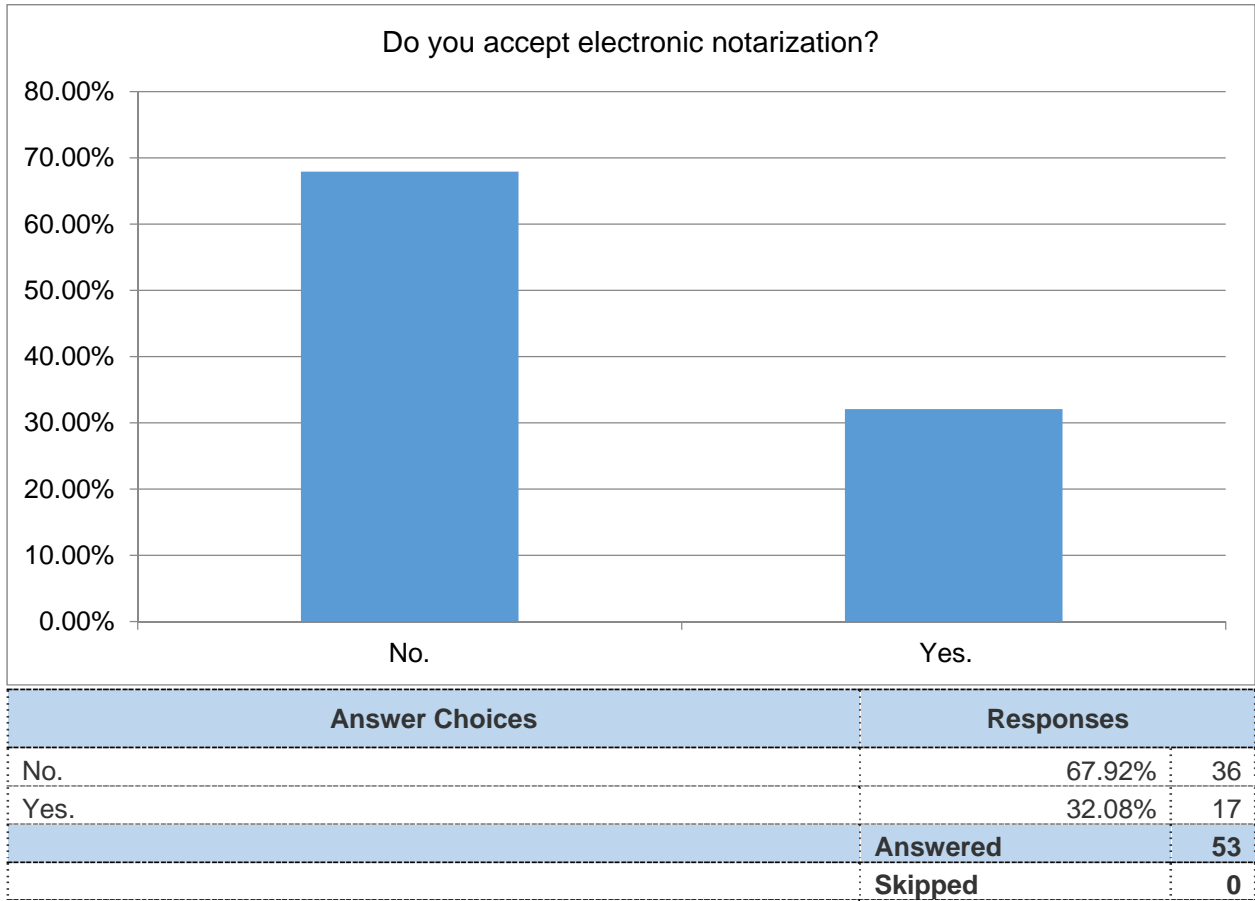
Answer Choices	Responses
No, UPI has resulted in significant additional cost.	7.41% 2
No, UPI has resulted in minor additional cost.	29.63% 8
Yes, UPI has resulted in minor savings.	11.11% 3
Yes, UPI has resulted in significant saving.	14.81% 4
Do not know/not applicable.	37.04% 10
	Answered 27
	Skipped 26

Respondent	Comment:
1	We are creating a more accurate record with less staff while combating real estate fraud. Adoption of the UPI aligns our office with the goals of the County's Strategic Plan.
2	The title companies should be thanking the counties that do UPI for all the errors we pick up. It saves the title company from doing corrective documents.
3	No cost savings. We have generated more revenue by charging for the Parcel ID Certification....but it requires more work for Assessor's Office & Recorder's Office. Well worth the time & effort to have the Parcel ID #s.
4	Fees collected allowed us to update software and equipment in our Tax Assessment and Recorder's offices. Aerial photography was done that not only helps the mapping and assessment offices but also helps law enforcement and first responders. With this in place, we will be able to do flights every 5 years and constantly be able to keep land offices records up to date without going back to the TAXPAYER and PROPERTY TAXES.
5	\$3,100,000 additional revenue to County.
6	The costs associated with implementation of UPI was absorbed by the Tax Assessment Office. They had to add additional staff.
7	

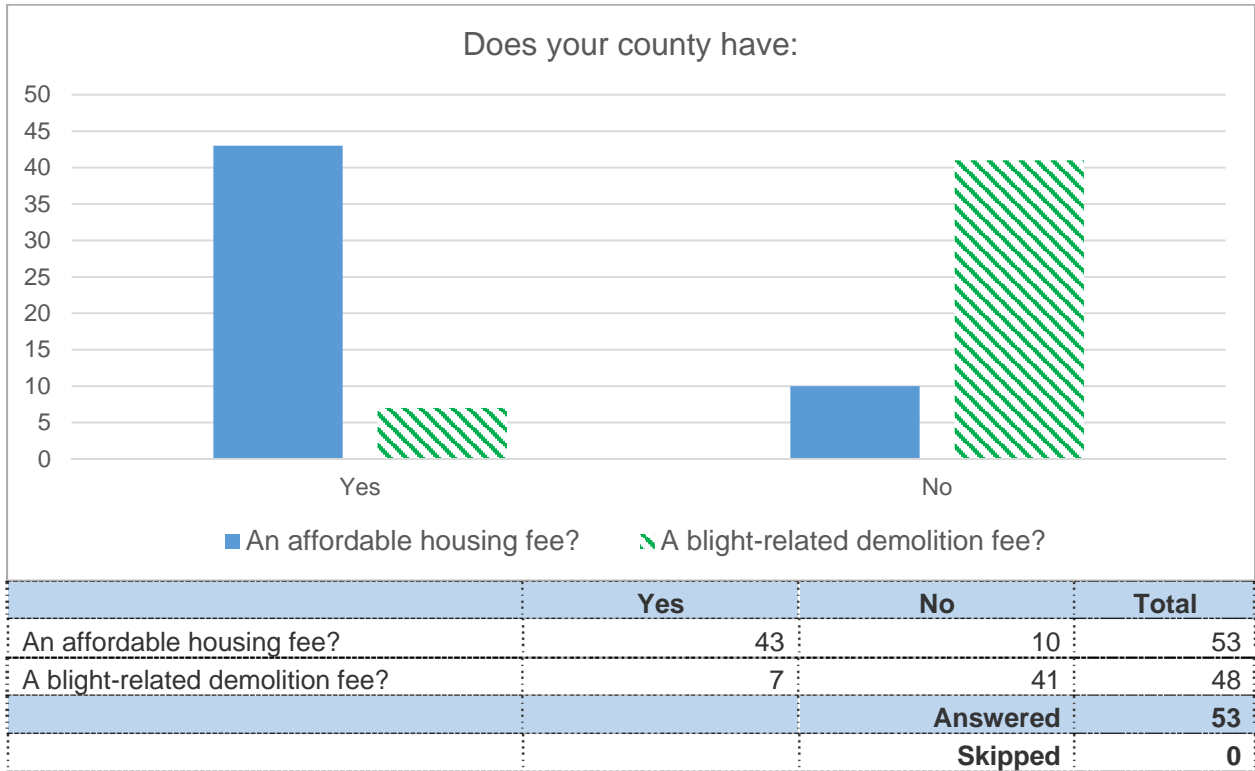
Question 5 (Continued)

If your county has UPI, has it resulted in cost savings to your office?	
Respondents	Comment:
7	The UPI number had an additional cost in the up-start of the program. There needed to be (2) people hired in the assessment office and computers for the verification of the UPI numbers.
8	UPI fees in the County are collected and credited to the Assessment Office, not the Recorder of Deeds.
9	Implementation will begin in January 2018
10	I was not in office prior to UPI being implemented, but it is a more accurate way of documenting records for long term accessibility, and I'm sure there has been a financial savings and a time savings to my office (although a separate office now needs to handle this portion of the recording which does add time to the process and does cost the county additional dollars budgeted to the Assessment office).
11	UPI indexing has cut our processing time down by automating the indexing of the property address and allocation of the transfer tax to municipalities and schools.
12	Slows down process for our recorders & requires rejection of documents on behalf of the county Board of Assessment.
13	It is a good reference point for people to look up their documents.
14	Additional personnel was hired, software implementation, equipment to bar-code, bar-codes.
15	Not administered by our office.
16	UPI is done in the assessment office & the money is collected in their office also.
17	Since we've had UPI for so long question is n/a.

Question 6



Question 7



Question 8

Please provide the total number of documents recorded and indexed in 2016 for the following types of documents.					
Respondent	Basic Mortgage	Satisfaction of Mortgage	Basic Deed	Mortgage Assignment	Basic Oil/Gas Lease Agreement
1	22,553	22,787	12,106	2,160	546
2	803	969	1,685	220	13 leases O&G Memorandums 1,852
3	1,436	1,547	1,353	215	0
4	4,111	3,998	2,952	531	none
5	4,965	4,914	3,615	627	N/A
6	17,694	18,285	13,161	3,525	N/A
7	1,874	1,708	2,901	330	0
8	2,482	all other documents 5,098	2,340		
9	687	690	523	127	N/A
10	25,239	26,536	14,314	3,165	0
11	9,970	9,942	7,681	1,772	
12	1,524	1,631	1,325	171	0
13	3,087	3,467	3,749	728	398
14	2,674	2,841	2,585	515	na
15	1,402	1,557	1,468	145	1,152
16	96,959		41,047		
17	4,396	4,760	2,955	690	377 approx (we lump any O&G into one category lease less than 30 yrs)
18	1,228	1,368	1,630		
19	1,721	1,810	1,744	291	2
20	10,903	11,302	8,568	1,957	0
21	1,417	1,417	968	155	0
22	3,521	4,178	3,783	773	0
23	5,518	5,775	4,843	957	816
24	16,724	16,998	12,613	2,627	n/a
25	1,390	1,578	1,738	237	10
26	8,679	9,120	10,583	4,472	n/a
27	141	148	538	18	0
28	3,273	3,799	3,007	492	281
29	1,417	1,380	1,116	153	0
30	7,873	9,501	6,497	1,412	25
31	969	1,073	1,106	102	21
32	2,470	2,829	2,809	239	0
33	1,891	1,974	1,449	277	0

Question 8 (Continued)

Please provide the total number of documents recorded and indexed in 2016 for the following types of documents.						
Respondent	Basic Mortgage	Satisfaction of Mortgage	Basic Deed	Mortgage Assignment	Basic Oil/Gas Lease Agreement	
34	1,234	1,464	1,429	109	92	
35	873	903	733	81	0	
36	5,067	5,938	5,046	1,018		
37	3,855	4,265	3,325	612	0 (Many assignments)	
38	10,701	10,731	6,582	1,080	0	
39	14,040	14,394	11,246	2,546	0	
40	32,073	33,586	17,733	4,043	0	
41	2,064	2,189	2,771	483	0	
42	123	166	252	24	1	
43	2,098	2,283	2,232	310	you need to ask about lease assignments	
44	7,242	7,685	6,386	1,225	2,668	
45	798	886	785 does not include mineral deeds	100	too vague many types of oil and gas documents	
46	1,564	3,026	2,114	308	5	
47	3,634	4,126	4,869	1,151	0	
48	2,041	2,324	3,009	562	33	
49	982	1,150	1,263	113	191	
50	2,067	2,076	1,759	260	0 (88 other oil/gas-releases, assignments, etc)	
51	5,075	6,895	3,554	~1,200	~300	
52	5,521	5,315	4,204	1,062	0	

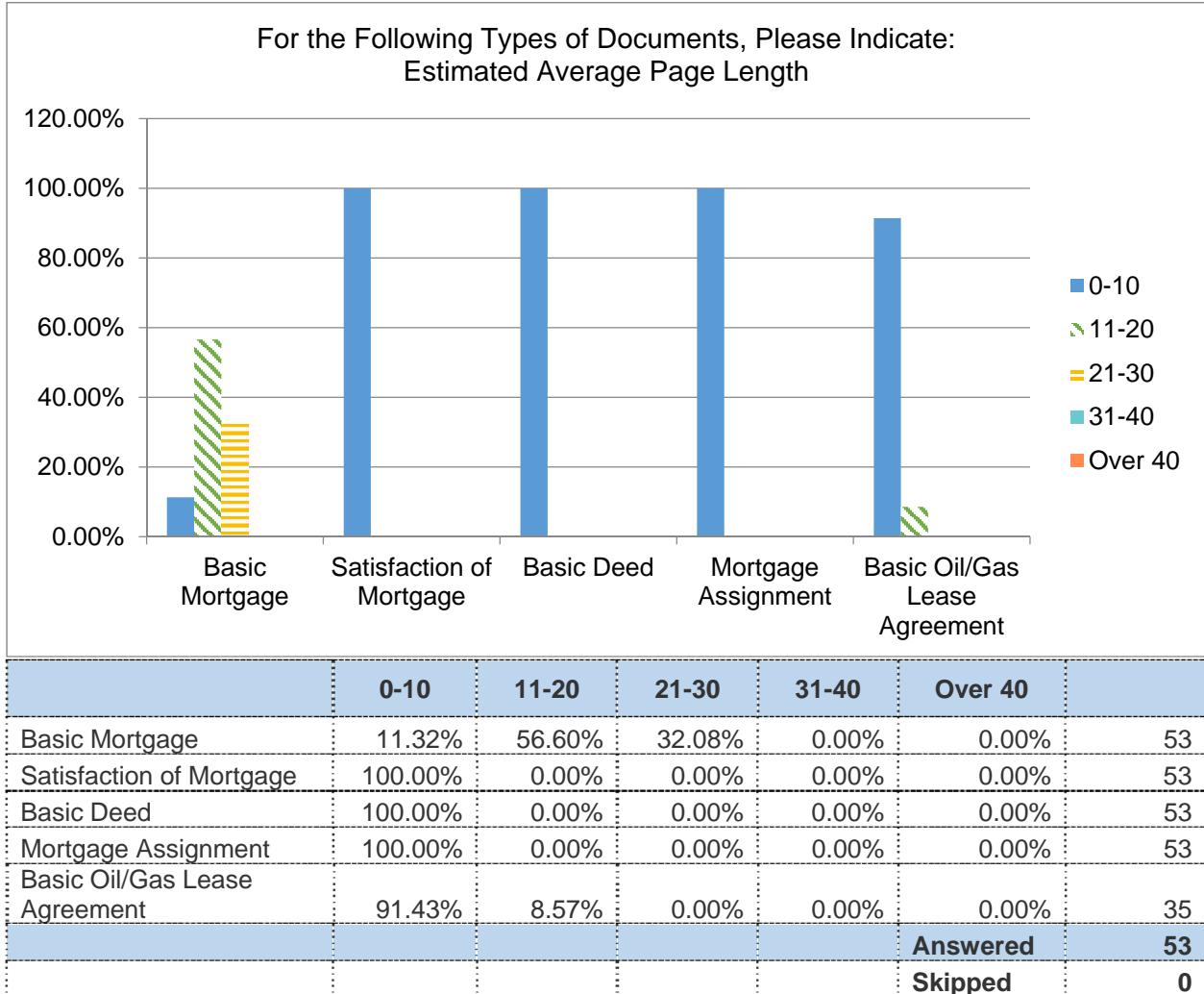
Question 9

Please provide the total revenue your county received in 2016 (i.e., including county-retained funds such as Record Improvement Funds but excluding all fees collected for the state) from recording the following types of documents.					
Respondent	Basic Mortgage	Satisfaction of Mortgage	Basic Deed	Mortgage Assignment	Basic Oil/Gas Lease Agreement
1	\$ 946,851	\$ 345,589	\$ 197,799	\$ 34,006	\$ 14,536
2	65,629	55,870	114,941	12,423	lease 433 O&G Memorandums 41,010
3	39,490	28,620	25,031	3,978	0
4	73,998	79,960	53,136	10,620	0
5	2,578,221	1,435,743	1,296,326	277,466	N/A
6	83,681	34,279	54,575	6,723	0
7	1,374	1,380	1,046	254	N/A
8	2,396,445	809,063	613,736	98,833	0
9	91,811	76,274	56,963	7,379	0
10	219,289	132,686	225,043+2,124,503 (Transfer Tax) =2,349,546	28,807	45,800
11	these are all estimated amts 78,883	65,343	76,257	9,400	na
12					undeterminable due to as this contains all that has to due w/O&G
13	21,998	23,433	22,798	3,549	429
14	727,731	344,444	349,703	60,816	
15	53,578	32,619	19,350	3,176	-0-
16	99,324	103,950	87,174	17,226	14,688
17	1,839,640	1,087,872	977,507	168,128	n/a
18	cannot calculate for separate document types				
19	531,093	283,908	398,787	170,168	n/a
20	2,200	2,308	4,156	690	1

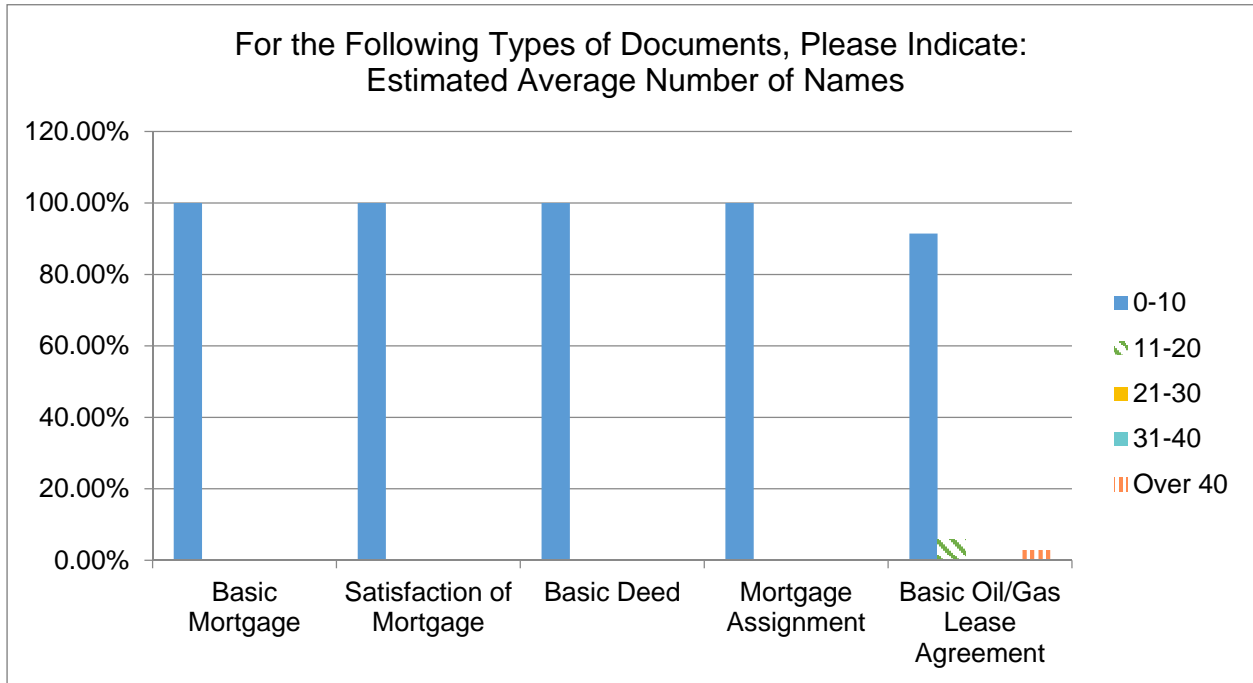
Question 9 (Continued)

Please provide the total revenue your county received in 2016 (i.e., including county-retained funds such as Record Improvement Funds but excluding all fees collected for the state) from recording the following types of documents.					
Respondent	Basic Mortgage	Satisfaction of Mortgage	Basic Deed	Mortgage Assignment	Basic Oil/Gas Lease Agreement
21	\$ 2,538	\$ 2,960	\$ 9,684	\$ 360	\$ 0
22	107,524	205,146	50,573	26,568	19,273
23	153,690	81,420	71,862 deed cost	8,630	0
24	87	76	87	76	39
25	116,249	50,938	76,483	6,412	0
26	89,701	39,515	42,379	5,875	0
27	22,212	26,326	25,732	1,998	1,136
28	30,862	20,795	14,437	1,636	0
29	200,444	98,124			0 (More Assignments than actual leases)
			105,907	12,264	
30	739,314	348,881	294,486	35,019	0
31	1,319,760	590,154	506,070	104,386	0
32	4,515,922	1,375,862	1,121,649	169,211	0
33	174,601	61,685	98,242	13,874	0
34	5,586	4,909	7,530	756	41
35					As I said you need to ask about lease assignments
36	133,977	142,173	118,141	22,663	49,358
37	263,001	82,604	160,076	24,051	0
38	17,637	22,985	22,695	2,260	3,438
39	159,797	37,538	58,616	4,770	
40	175,000	~119,000	~122,000	~8,160	~5,400
41	423,194	222,388	230,936	49,560	0

Question 10



Question 10 (Continued)



	0-10	11-20	21-30	31-40	Over 40	Total
Basic Mortgage	100.00%	0.00%	0.00%	0.00%	0.00%	53
Satisfaction of Mortgage	100.00%	0.00%	0.00%	0.00%	0.00%	53
Basic Deed	100.00%	0.00%	0.00%	0.00%	0.00%	53
Mortgage Assignment	100.00%	0.00%	0.00%	0.00%	0.00%	53
Basic Oil/Gas Lease Agreement	91.43%	5.71%	0.00%	0.00%	2.86%	35
					Answered	53
					Skipped	0

Question 11

Please indicate the total number of documents recorded and indexed by your Recorder of Deeds office in:					
Respondent	2015	2016	Respondent	2015	2016
1	66,725	68,114	28	1,200	1,100
2	8,740	8,378	29	13,235	12,299
3	5,685	5,478	30	6,171	6,584
4	13,074	14,024	31	28,561	28,543
5	16,300	16,685	32	3,976	4,061
6	59,611	59,564	33	10,016	9,641
7	8,369	8,649	34	6,277	6,539
8	10,202	9,920	35	5,528	5,385
9	2,511	2,390	36	3,193	3,087
10	78,538	81,164	37	20,982	21,260
11	34,032	34,437	38	14,488	16,096
12	6,946	5,773	39	32,524	34,165
13	14,575	13,848	40	46,000	47,150
14	est. 9,891	est. 9,745	41	102,903	103,855
15	19,531	14,340	42	8,239	8,628
15	138,035	138,006	43	837	924
17	17,193	16,569	44	11,523	10,599
18	5,678	5,385	45	36,247	33,964
19	6,533	6,652	46	4,440	3,627
20	38,724	38,066	47	13,729	13,177
21	4,630	4,383	48	18,293	16,993
22	15,245	15,173	49	9,640	9,424
23	21,545	20,995	50	5,007	4,692
24	58,960	58,857	51	7,551	7,439
25	5,840	5,954	52	17,135	17,237
26	35,576	37,096	53	17,859	18,462
27	12,685	13,336			

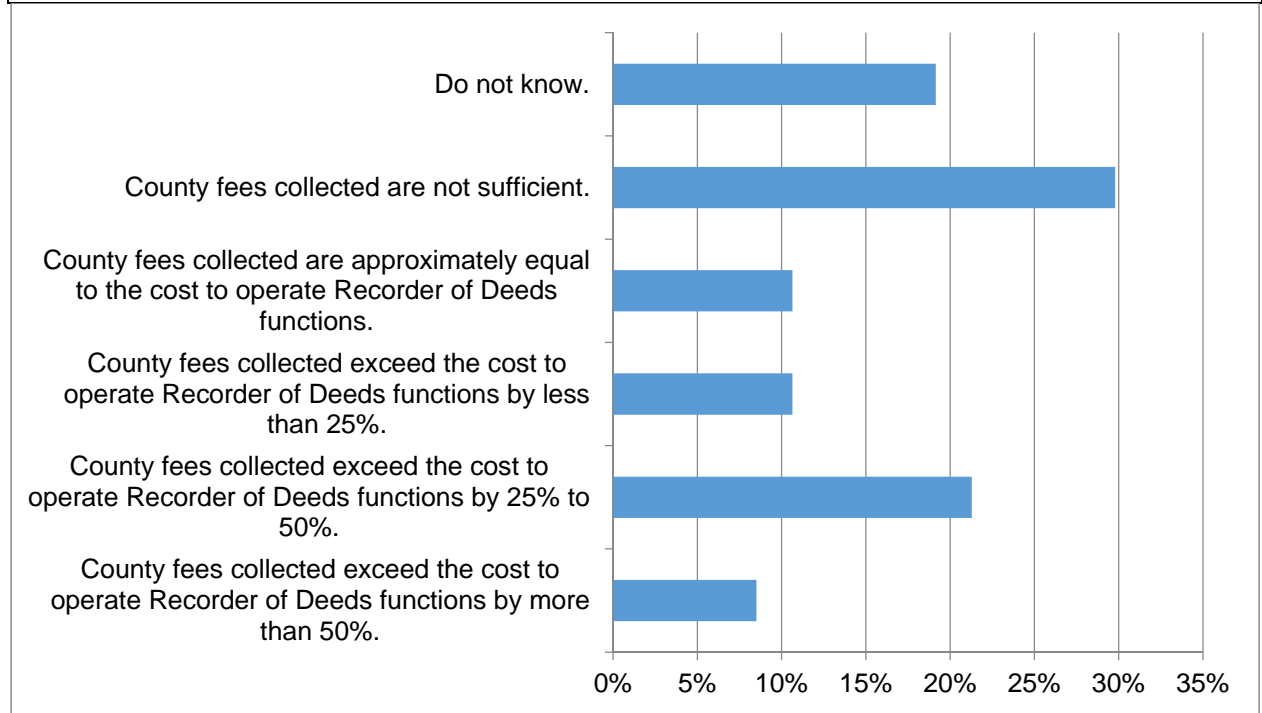
Question 12

Please provide the total revenue collected by your Recorder of Deeds office for 2015 and 2016. (Please include county-retained funds such as the Record Improvement Funds but exclude amounts collected for Realty Transfer Tax.)

Respondent	2015 with state fees: \$	2015 without state fees: \$	2016 with state fees: \$	2016 without state fees: \$
1	6,769,313	4,587,742	7,523,146	5,307,384
2	432,748	275,985	457,650	288,950
3	1,752,013		1,516,946	
4	793,105	755,593	781,137	740,707
5	533,286	280,602	549,690	290,486
6	1,128,676	801,340	1,098,001	770,668
7	80,383	63,142	75,202	61,161
8	6,669,772	4,086,760	7,121,072	4,449,170
9	515,856	323,509	474,378	287,094
10	5,611,446	893,092	5,580,043	902,344
11	-	-	Approx. 500,000	Approx. 450,000
12	200,000		171,000	
13	1,456,346	970,938	1,320,005	839,284
14	3,014,928	1,681,186	3,043,158	1,729,070
15	295,462	139,286	280,413	131,623
16	1,035,827	555,490	1,098,523	614,504
17	898,668	772,279	915,302	782,716
18	6,617,933	5,177,429	5,307,827	3,473,937
19	422,295	235,076	427,298	234,336
20	2,670,230	1,449,064	2,592,886	1,543,486
21	554,996	482,141	647,387	550,651
22	6,541,224	3,685,244	6,541,224	4,108,964
23			386,537	
24		1,078,445		1,110,047
25	663,481	417,671	654,929	360,813
26	394,090	188,690	415,167	201,628
27	185,133	83,448	181,209	83,724
28	1,826,597	1,146,215	1,853,147	1,177,393
29	936,349	475,503	1,061,182	598,648
30	2,850,233	1,800,550	2,902,563	1,800,557
31	4,242,365	2,712,272	4,460,582	2,934,091
32	11,665,229	8,308,948	12,339,772	8,870,023
33	3,604,317	380,196	4,465,612	409,914
34	45,080	25,769	45,580	23,755
35	3,377,040	1,979,607	2,766,088	1,868,023
36	1,184,820	629,112	1,128,938	618,749
37	322,321	179,208	297,020	161,509
38	528,551	291,987	527,957	299,129
39	~2,100,000	~1,500,000	~2,200,000	~1,700,000
40	1,201,673	613,000	1,300,524	687,000

Question 13

Please indicate the extent to which the county Recorder of Deeds fees collected and retained by your Recorder of Deeds office support the operations of your Recorder of Deeds office. This should not include any consideration of fees collected by your office but not directly retained by your office (such as the State Writ Tax, JCS Act 122, the County Record Improvement Fund, Affordable Housing Fund, Blight Demolition, and any other fees imposed by your county but not retained by your office).



Answer Choices	Responses	
County fees collected exceed the cost to operate Recorder of Deeds functions by more than 50%.	8.51%	4
County fees collected exceed the cost to operate Recorder of Deeds functions by 25% to 50%.	21.28%	10
County fees collected exceed the cost to operate Recorder of Deeds functions by less than 25%.	10.64%	5
County fees collected are approximately equal to the cost to operate Recorder of Deeds functions.	10.64%	5
County fees collected are not sufficient.	29.79%	14
Do not know.	19.15%	9
	Answered	47
	Skipped	6

Comment:

1 Salary and benefits increase at the County's discretion. The Recorder's office has no control over these costs and they increase annually.

2 We do not retain any fees for the support of the Recorder of Deeds office except for the Record Improvement Fund on the recorders half. I have begged on 3 separate years to increase the wages of my employees and it has never happened. My office employees are the lowest paid in the County. They are clerks in their opinion. All revenue from this office goes to the General Fund except where specified...i.e. affordable housing, etc.

Question 13 (Continued)

Please indicate the extent to which the county Recorder of Deeds fees collected and retained by your Recorder of Deeds office support the operations of your Recorder of Deeds office. This should not include any consideration of fees collected by your office but not directly retained by your office (such as the State Writ Tax, JCS Act 122, the County Record Improvement Fund, Affordable Housing Fund, Blight Demolition, and any other fees imposed by your county but not retained by your office).	
Comment:	
3	Our fees are 35 years old. No county can operate today with 1982 income.
4	Fees are sufficient for operating the recorder's office.
5	We do not retain any fees collected to support the operations of our office other than the \$3.00 from Act.8 money. All other money is gone to the County General Fund.
6	All fees collected are turned over to either the County or the Commonwealth. The only fee retained by my Recorder of Deeds office is the Recorder's Improvement Fund. I create a budget annually and all expenditures are made through the County Fiscal Department.
7	Information would have to be given by the Fiscal Department in Commissioner's Office.
8	I have implemented many measures to make our office more efficient, through automation and studying the steps in the recording process to find faster ways to complete our work. E-recording has greatly helped with this along with other methods that are not used in most other counties. I do not see the same efficiencies in most other Counties so we most likely have a much higher amount of fees that exceed our cost to operate than the average PA County.
9	If the use of county Human Resources, IT people, security, etc., are thrown in, we would probably be very close to equaling the cost.
10	Although this is the answer for years our budget covers our expenses. When unforeseen issues such as workmen comp claims, change in fringe benefits, or any court action requiring additional fees for my solicitor occur, this would be an additional expense to my already approved budget.
11	We don't retain any fees, all revenue turned over to county treasurer, commissioners pay fees for office.
12	\$458,027 DE - \$422,279 Expenses

Question 14

Approximately how many full-time equivalent staff work on Recorder of Deeds responsibilities?

Respondent	Responses
1	16
2	2
3	3
4	5
5	4
6	12
7	4
8	5
9	3
10	19
11	9
12	2
13	7 Full Time Positions, including Recorder of Deeds
14	4 + office holder
15	Two
16	46
17	7
18	4
19	2
20	9
21	3
22	5
23	6
24	8
25	4
26	10
27	5
28	2
29	6
30	3
31	10
32	4
33	4
34	3
35	2
36	1
37	9
38	Seven

Question 14 (Continued)

Approximately how many full-time equivalent staff work on Recorder of Deeds responsibilities?	
Respondent	Responses
39	4 plus the Recorder
40	13
41	22 + a part-time solicitor (& a guess of about 8 Board of Assessment staff for verification, mapping & stickering process)
42	4
43	2
44	4
45	8
46	3 with dual offices, Recorder and Register of wills
47	4
48	6
49	5
50	3
51	3
52	6
53	5 staff members

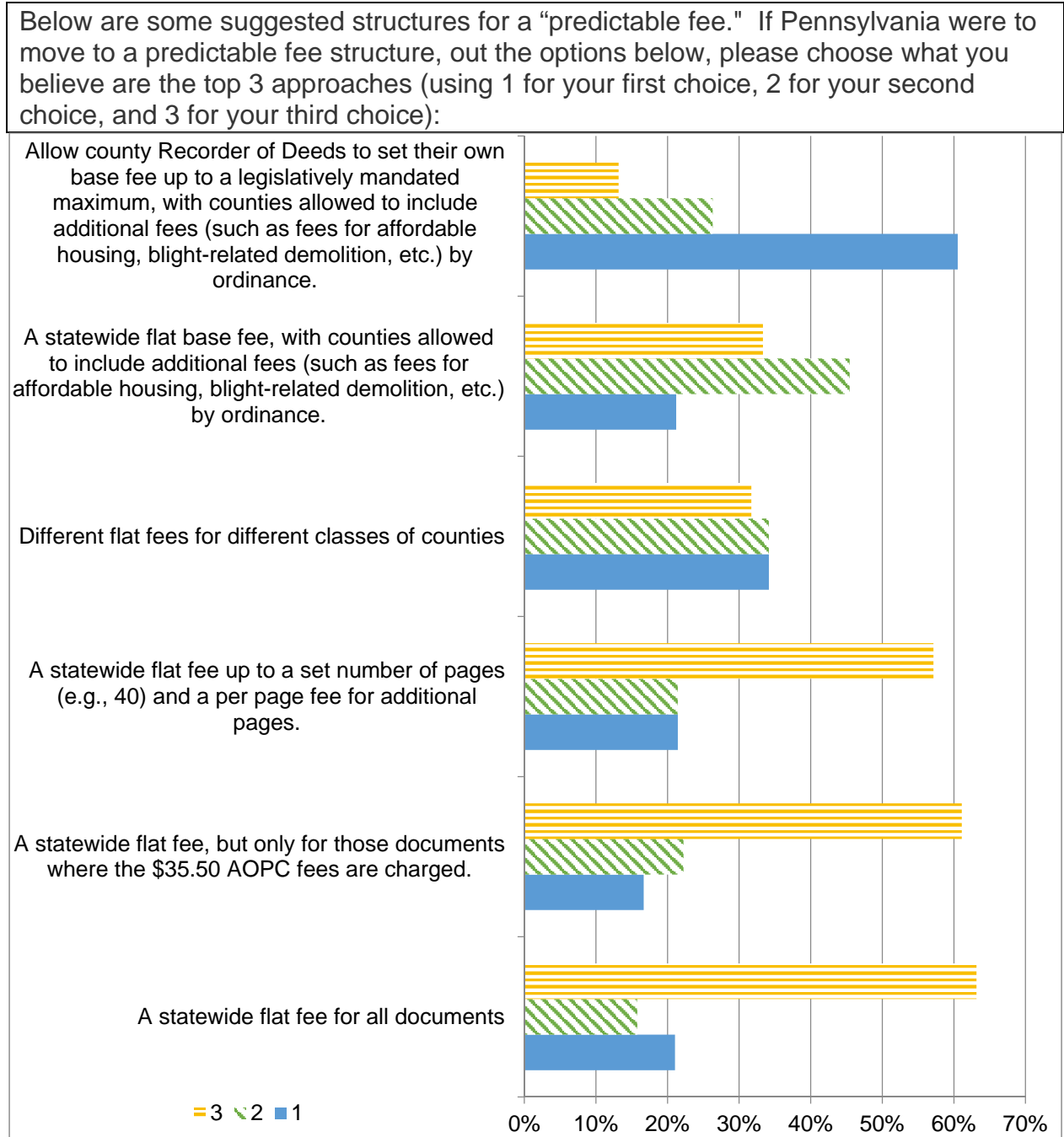
Question 15

Approximately how much did you spend in 2016 for third party vendor services related to your recorder of deed's functions?		
Respondent	\$ Amount:	Any Comment:
1	467,117	These costs increase annually.
2	45,000	This is only the vendor for recording. I also have an internet search systems that are separate fees.
3		This is three offices in one.
4	46,500	
5	20,000	I support the Recorders office with the Record Improvement Fund. I pay for maintenance, support on the software. Please do not ever touch the Record Improvement Fund legislation. The county commissioners really do not like that we do not have to beg to provide upgrades to the office. It is the best thing that ever happened to the Recorders office. Go to any courthouse and the best technology and equipment is in the Recorders office because of this fund. Yes, I am a small county but it does make a difference.
6	44,457	
7	Approx. 50,000	
8	7,170	Materials/supplies - telephone - software – postage.
9	7,560	In 2015 we spent \$7,560 PLUS \$7,000 for software upgrades.
10	Approx. 35,000	
11	28,000 per month	
12	Approx. 100,000	
13	28,937	
14	31,200	Software
15	40,900	
16	17,000	Does not include scanning of old books
17	46,000	
18	80,000	
19	84,000	This amt. is based on a per document charge per indexing for our computer system. We did spend an additional 57,500 for a re-scanning re-indexing project that is on-going.
20	6,000	In 2016 our IT department had an AS400 that stored all of our documents. IT decided to switch to working with our software vendor directly online so the amount spent in 2017 increased considerably.
21	33,500	Case Management Software and Equipment.
22	0	
23	15,000	
24	145,000	
25		Time Consuming.
26	18,710	
27	29,500	

Question 15 (Continued)

Approximately how much did you spend in 2016 for third party vendor services related to your recorder of deed's functions?		
Respondent	\$ Amount:	Any Comment:
28	20,000	
29	13,000	
30	24,000	Includes support and upgrades.
31	107,500	This includes a rescanning project of \$50,000 that will continue for at least the next 3-6 years.
32	300,000	Our software is paid for, now maintenance only, it would be significantly higher if we need a new system. This includes archiving images and improvement projects.
33	391,157	
34	14,500	
35	7,500	
36	137,600	Software, equipment, maintenance.
37	6,000 vendor system	? Other outside vendors for misc. work done... computers, copiers, etc.
38	74,000	
39	18,200	This is just for our vendor.
40	75,448	
41	24,000	
42	80,000	
43	60,000 approx.	

Question 16



Question 16 (Continued)

Below are some suggested structures for a "predictable fee." If Pennsylvania were to move to a predictable fee structure, out the options below, please choose what you believe are the top 3 approaches (using 1 for your first choice, 2 for your second choice, and 3 for your third choice):				
Answer Choices	1	2	3	Total
A statewide flat fee for all documents	21.05%	15.79%	63.16%	19
A statewide flat fee, but only for those documents where the \$35.50 AOPC fees are charged.	16.67%	22.22%	61.11%	18
A statewide flat fee up to a set number of pages (e.g., 40) and a per page fee for additional pages.	21.43%	21.43%	57.14%	14
Different flat fees for different classes of counties	34.15%	34.15%	31.71%	41
A statewide flat base fee, with counties allowed to include additional fees (such as fees for affordable housing, blight-related demolition, etc.) by ordinance.	21.21%	45.45%	33.33%	33
Allow county Recorder of Deeds to set their own base fee up to a legislatively mandated maximum, with counties allowed to include additional fees (such as fees for affordable housing, blight-related demolition, etc.) by ordinance.	60.53%	26.32%	13.16%	38
			Answered	48
			Skipped	5
Comment:				
1	The Recorder's fees have not been increased in over 20 years. They should be revisited every 5 years, or have a percentage increase every year.			
2	Counties should be allowed to include additional notational fees. The book and page of the assignments of Lease and Memorandums are noted on the original lease or Memorandum. The amount varies but we have had up to 150 or more notations which can take considerable time to complete.			
3	I do not believe Predictable Fees is a good idea.			
4	Each county is distinct and made up of people of like mind of that county. Decisions are made to distinctly service those constituents that are in the best interest of the individuals of that county. Example: some ordinances that are passed in one county may not be best for another county. This also pertains to fees charged for documents. Some counties can charge more for documents but in other counties this would be a financial hardship. It is best for each individual county to make decisions that will affect local people because we know our local people. Title companies, banks, etc. can check websites or make a phone call to ask about fees to any specific county. It is not time-consuming and it is what they are being paid to do, part of the job. Each county has different aspects (some have UPI, some don't). Some have blighted demolition, some don't. So flat fees for some documents is not a "fix it all." Each county is its own entity and we don't all fit in the same box. Thank you.			
5	Any time a county has an additional fee added to the base fee, i.e., affordable housing it destroys the flat fee purpose.....again 67 counties with different fees. A flat fee with a set number of pages just allows parties to record "garbage" along with the document because they don't have a clue what should be included. More pages, more microfilm to store for eternity. People do not realize we as Recorders are responsible to preserve all documents FOREVER. Storage costs, microfilm, etc., are always going to be part of the budget for the Recorders office. Is that part of the recording fee???? I want to thank you for looking at this issue there is no one answer that will fit all.			

Question 16 (Continued)

<p>Below are some suggested structures for a “predictable fee.” If Pennsylvania were to move to a predictable fee structure, out the options below, please choose what you believe are the top 3 approaches (using 1 for your first choice, 2 for your second choice, and 3 for your third choice):</p>	
<p>Comment:</p>	
6	Our concern with flat fee is with the very large Oil & Gas Lease Assignments that come in with thousands of names, thousands of associated documents, and thousands of Parcel ID #s. These documents take weeks of work for the Assessor's Office and months of work for the Recorder of Deeds office and we cannot afford to record these types of documents for a nominal fee.
7	A Predictable flat fee.
8	Our FIRST choice which is not offered is that each county set their own fees and have those fees approved by the President Judge.
9	not in favor of a statewide flat fee.
10	When the AOPC added their fees is when the fees became unsystematic.
11	My second choice is the same as my 1st choice.
12	I like the idea of not counting pages, names, & parcels. We can have predictable fees in each county, instead of the whole state.
13	I think that larger Counties will have no problem with a flat fee, where as a small County in a rural area will be much more effected by a large flat fee. Not only by election of the County official but by the economic problems, which is why we have "may" and "shall" bills that effect our pricing. Legislators in a rural area will decide that a bill "may" be good for his area at some point in time, but "shall" bill may be a burden on the economics currently. No one is thinking about how that will be in pricing documents in the Recorder of Deeds across the State when the County will take on that "may" or "shall" bill. So everyone is doing it at different times to suit their own needs, just as the bill was intended to work. So, that being said, one must allow for the legislation to work, and to continue allowances for "may' and "shall" bills for each size and shape Counties.
14	I think a predictable fee for our submitters is a good idea. I think, however, that it cannot be the same fee statewide. My county is rural with a very large elderly population. Many of the deeds recorded in my office are transfers in which parents are transferring their property to their children. I think charging them the same predictable fee as someone in in Philadelphia, Pittsburgh, and Montgomery Co. etc., is unfair and outrageous.
15	My first option works best for the County's, especially the ones that may not have the additional fees but does not help the submitter that much. I made it my first choice because it allows the individual county the ability to keep their fees lower, if desired. I think the best option for the submitter would be the statewide flat fee up to a set number of pages.
16	Fees collected in the Recorder of Deeds office should be left to the discretion of the office holder. The state should not be involved.
17	In my opinion if you allow counties to add to the set fee you are defeating your purpose of predictable fees, every county will still have a different fee!!!
18	I do not feel it is necessary to charge a per page fee any more as long as there are page limits set - for example set a high limit like... 40? to keep the documents themselves manageable. HOWEVER, I do feel it is necessary to charge an additional fee for the indexing of additional names (more than 4). This takes time to input and verify. I would also raise this fee from \$.50 to \$1.00 per name.
19	The flat fee should be as simple as possible and the same across the state.
20	You need to deal with the large assignments. There should be no way they should be charged the same amount as a simple power of attorney.

Question 16 (Continued)

Below are some suggested structures for a “predictable fee.” If Pennsylvania were to move to a predictable fee structure, out the options below, please choose what you believe are the top 3 approaches (using 1 for your first choice, 2 for your second choice, and 3 for your third choice):

Comment:	
21	I am not in favor of the flat fee. I am an oil & gas county and do not agree with a young couple buying their 1st home and having to pay \$150 for a 4 page deed just to supplement an oil & gas document of 1,000 pages or even 20 pages. Nothing fair to the everyday average documentation being recorded.
22	Remove fees that have no association with our office. ATJ/JCS
23	Beyond those 2 choices the options above do not make a predictable statewide recording fee which is was all the banks and mortgage companies are looking for because of the new regulated closing disclosures.
24	Some documents such as assignments of mortgages, satisfactions of mortgages have marginal notes made on the original documents to note the assignment or satisfaction. If a predictable fee is mandated for these documents that receive a \$35.50 AOPC fee, multiple assignments or satisfactions per recorded assignment or satisfaction should be prohibited. If a predictable fee is mandated for all documents, multiple marginal notes per recorded document should be prohibited.

Question 17

Do you have any other comments regarding any possible updates needed to the current structure of recording fees in and across Pennsylvania?	
Respondent	Responses
1	Rejection and non-compliance fees should be assessed across all counties. We are sending our fee analysis and PRIA Predictable Fee Tool Kit via separate email.
2	I would love to see an easier statewide fee structure. My only concern are the large Oil & Gas Lease Assignments that I mentioned above, and how to handle the County Ordinance fees adopted by various counties which are not uniform.
3	A "true flat fee" would take care of most issues.
4	We cannot depend on the legislature to keep up with changes within the 67 counties that affect fees. This issue has not been addressed by the legislature since 1982 other than by the AOPC. Let counties govern their counties, let the state govern the state. The only reason this is being addressed today is because of lobbyists, not because the state recognized they have not addressed the issue in 35 years.
5	I feel the current structure of our recording fees are satisfactory.
6	FYI-We have a predictable fee for UCC's, which is \$100.
7	I think one size does not fit all, in this case. That is why we have different class Counties. I also ask the question as to why the Recorder of Deeds office needs to have predictable fees, and all other County offices do not? When I call for pricing in the Prothonotary office York County, it differs from Perry County? If we are to have a predictable fee structure for one office, why not all? I think if you can find something good out of this to help all or most, then this will be a good survey. I am retiring at the end of this year, I am hoping the process will find the good for all of Pennsylvania's Counties.
8	I strongly believe predictable fees are the best option for Pennsylvania. Doing it in a way to not hurt smaller counties with smaller average incomes and home values is the challenge.
9	Some of the questions are too vague (ex. O&G Leases) & with this system some of the \$ questions are way too time consuming to answer.
10	If you insist on doing this, please consider the level of class counties. Also, I will pass on the public any changes made were not the decisions of the Recorder of Deeds office.
11	I feel the county should be receiving more revenue from documents recorded.
12	Recorders of Deeds are not court-related offices, and yet we collected \$35.50 for each document on behalf of the JCS which is nearly half of the total fees we collect on a document. I understand that the courts needs this revenue to assist with this project, but at least I ask for a commission on the collections of this fee for the County Recorders up to 3%.
13	Stop allowing or mandating other add on fees.
14	You need to look at oil and gas counties. You have only reviewed the counties in the east. The document types are so different.
15	I strongly oppose the AOPC placing fees on our documentation as we are a non-court related office and receive no benefit from those costs. Only those residents involved in real estate transactions are hit with these fees.
16	Lower class counties will not be able to justify the fees collected by larger counties.
17	This survey is too complicated and many ROD's won't do it or will provide inaccurate info. For example #15, I have no annual software cost for a recording system but do work with a vendor to do re-imaging. #9 & 12 does this include the ROD's record improvement fund revenue? That for this office is in the order of \$80K/yr.+.

Question 17 (Continued)

Do you have any other comments regarding any possible updates needed to the current structure of recording fees in and across Pennsylvania?	
Respondent	Responses
18	County generated revenues fees collected is comparably the same amount collected as the State JCP/ACCESS Fee in one year. No commission is collected on the JCP/ACCESS Fee. All revenues from this fee goes to state.
19	I would like to note that in Question 9 there are some additional charges collected for each of these types of documents in the amount of \$31,038.70. This includes charges for Statements of Value, postage to return documents without a self-addressed stamped envelope, extra names, extra pages, extra parcels, and extra marginal notes. Our computer printout notes these as separate line item charges and does not include them as a charge against a certain document type. The costs associated with each document type in Question 9 are just the base fee collected for each document type for the year. Of the \$31,038.79 in additional fees charged for documents approximately 75% are for additional pages. These additional charges for documents are incorporated into the total revenue figures in Question 12.

VI. Appendices

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1073 Session of
2015

INTRODUCED BY PETRI, CALTAGIRONE, CORBIN, DIAMOND, PHILLIPS-
HILL, SAYLOR AND WATSON, OCTOBER 17, 2016

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2016

A RESOLUTION

Directing the Legislative Budget and Finance Committee to
conduct a comprehensive review of the scope of records
maintained and fees collected by the county recorder of deeds
offices in this Commonwealth and to make recommendations.

WHEREAS, Under the Constitution of Pennsylvania, each of the
67 counties in this Commonwealth elects a recorder of deeds who
is responsible for the preservation of records relating to real
property in the county, for recording oaths and commissions of
each county officer, notary public and district justice and for
collecting both State and local taxes on real estate transfers;
and

WHEREAS, The fees involved in recording a document are set in
State statute and include levies for specially designated State
and local funds that must be paid to the State Treasurer or the
county, depending on who is designated to receive the funds; and

WHEREAS, State law also permits counties to choose to
implement a uniform parcel identifier (UPI) system and to assess
additional fees for the certification of each UPI number
affected by the recording; therefore be it

RESOLVED, That the House of Representatives direct the
Legislative Budget and Finance Committee to conduct a
comprehensive review of Federal and State laws related to
document recording and county recorder of deeds operations and
prepare a report of its findings, which shall include the
following:

Appendix A (Continued)

(1) The types of records maintained by county recorder of deeds offices and any other responsibilities assigned to the office by statute.

(2) Resources needed to support the maintenance of the records and the process for verification of the accuracy of records, both in counties with a UPI system and those without a UPI system.

(3) A full listing of the statutory fee structure, including fees returned to the county and to this Commonwealth and any funds to which those fees are specially designated.

(4) A cost-effectiveness analysis comparing the varying methods of recording utilized within this Commonwealth.

(5) A summary of laws and fee structures for recording of similar documents in other states, which shall include an examination of flat fee recording in the State of Michigan.

(6) Recommendations regarding updates to the current structure of applicable fees as relates to the recording of documents to assure that each county recorder of deeds is able to uphold its responsibility for the preservation of records relating to real property in the county as well as recommendations for consistent application of those fees across this Commonwealth so that all residents are treated fairly and uniformly.

(7) Recommendations regarding updates to the current structure of fees as relates to the recording of documents that are returned to this Commonwealth or otherwise designated for a special purpose;

and be it further

RESOLVED, That the Legislative Budget and Finance Committee consult with the County Commissioners Association of Pennsylvania, the Pennsylvania Recorder of Deeds Association, the Pennsylvania Land Title Association, the Property Records Industry Association and the Pennsylvania Bar Association in the preparation of this report; and be it further

RESOLVED, That the Legislative Budget and Finance Committee submit a report of its findings to the House of Representatives within one year of the adoption of this resolution.

APPENDIX B

Pennsylvania Counties Recording Fees Data

County	County Class	Home Rule?	Approach	Deed Base Price	Price Per Page (after 4 pages)
Philadelphia	First	Yes	Per Document	\$252.00	-
Allegheny	Second	Yes	Per Document	162.00	-
Delaware	Second A	Yes	Per Page	96.50	\$4.00
Montgomery	Second A	No	Per Page	95.00	6.00
Chester	Third	No	Per Page	89.00	4.00
Elk	Sixth	No	Per Page	87.00	2.00
Franklin	Fourth	No	Per Page	87.00	2.00
Cumberland	Third	No	Per Page	79.00	2.00
Westmoreland	Third	No	Per Page	89.50	2.00
Berks	Third	No	Per Page	77.00	4.00
Lehigh	Third	Yes	Per Page	75.50	2.00
Washington	Fourth	No	Per Page	75.50	2.00
Fulton	Eighth	No	Per Page	74.50	2.00
Lycoming	Fifth	No	Per Page	74.00	2.00
Bucks	Second A	No	Per Page	72.00	2.00
Clinton	Sixth	No	Per Page	72.00	2.00
Northampton	Third	Yes	Per Page	70.50	4.00
Carbon	Sixth	No	Per Page	70.00	4.00
Armstrong	Sixth	No	Per Page	67.00	2.00
Beaver	Fourth	No	Per Page	67.00	2.00
Blair	Fifth	No	Per Page	67.00	2.00
Bradford	Sixth	No	Per Page	67.00	2.00
Butler	Fourth	No	Per Page	67.00	2.00
Cambria	Fourth	No	Per Page	67.00	2.00
Columbia	Sixth	No	Per Page	67.00	4.00
Dauphin	Third	No	Per Page	67.00	2.00
Lackawanna	Third	Yes	Per Page	67.00	2.00
Luzerne	Third	Yes	Per Page	67.00	2.00
McKean	Sixth	No	Per Page	67.00	4.00
Monroe	Fourth	No	Per Page	67.00	2.00
Montour	Eighth	No	Per Page	67.00	4.00
Pike	Sixth	No	Per Page	67.00	4.00
Schuylkill	Fourth	No	Per Page	67.00	4.00
Susquehanna	Sixth	No	Per Page	67.00	2.00
Venango	Sixth	No	Per Page	66.50	2.00
Lebanon	Fifth	No	Per Page	66.00	4.00

Appendix B (Continued)

County	County Class	Home Rule?	Approach	Deed Base Price	Price Per Page (after 4 pages)
Adams	Fifth	No	Per Page	\$65.60	\$4.00
Centre	Fourth	No	Per Page	65.50	2.00
Crawford	Sixth	No	Per Page	65.50	2.00
Mercer	Fifth	No	Per Page	65.50	2.00
Mifflin	Sixth	No	Per Page	65.50	2.00
Northumberland	Fifth	No	Per Page	65.50	2.00
Union	Seventh	No	Per Page	65.50	4.00
Warren	Sixth	No	Per Page	65.50	2.00
York	Third	No	Per Page	65.50	2.00
Lancaster	Third	No	Per Page	65.00	2.00
Erie	Third	Yes	Per Page	64.50	2.00
Cameron	Eighth	No	Per Page	64.00	2.00
Clearfield	Sixth	No	Per Page	64.00	2.00
Greene	Sixth	No	Per Page	64.00	2.00
Perry	Sixth	No	Per Page	64.00	2.00
Somerset	Seventh	No	Per Page	64.00	2.00
Lawrence	Fifth	No	Per Page	63.50	2.00
Fayette	Fourth	No	Per Page	62.50	2.00
Wyoming	Seventh	No	Per Page	59.00	2.00
Bedford	Sixth	No	Per Page	54.00	2.00
Clarion	Sixth	No	Per Page	54.00	2.00
Forest	Eighth	No	Per Page	54.00	2.00
Huntingdon	Sixth	No	Per Page	54.00	2.00
Jefferson	Sixth	No	Per Page	54.00	2.00
Juniata	Seventh	No	Per Page	54.00	2.00
Potter	Eighth	No	Per Page	54.00	2.00
Snyder	Seventh	No	Per Page	54.00	2.00
Sullivan	Eighth	No	Per Page	54.00	2.00
Tioga	Sixth	No	Per Page	54.00	2.00
Wayne	Sixth	No	Per Page	54.00	2.00
Indiana	Sixth	No	Per Page	48.50	2.00

Source: Pennsylvania Land Title Association.