

COUNTY RECORDER STANDARDS **RULE**

General Organization (follows the organization used for rules in Title R156):

100s: General Rule Housekeeping

R156-90-101. Purpose and Authority.

R156-90-102. Definitions.

200s: Save for future Board rules (e.g., rules for a new committee, other)

300s: Basic Rules

R156-90-301. General Indexing Entry Procedures – Format.

R156-90-302. Indexing Last Name Prefixes and Compound Names.

R156-90-303. Indexing Other Names Not On Grantor Line, Grantee Line, or Trustor Line.

R156-90-304. Indexing Misspelled Names or Unclear Names.

R156-90-305. Adding Tax Identification Number to Recorded Document.

R156-90-306. Recording a Document – Parcel Number Change.

R156-90-307. Recording a Document – Blended Notary Methods.

R156-90-308. Real Property Held in Trust.

R156-90-309. Index Corrections.

400s: Name Discrepancies

R156-90-401. Name Discrepancies – Grantor As **Individual – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.**

R156-90-402. Name Discrepancies – Grantor is **Entity – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.**

R156-90-403. Name Discrepancies – Grantor is **Trust – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.**

500s: Requests from the Public

R156-90-501. Affidavit of Correction.

R156-90-502. Redaction of Recorded Document.

Commented [1]: This page is just for general information and to make it easier to see how the sections are organized and fit together. To view other DOPL rules, please go to the Utah Office of [Administrative Rules website](#), click on "Commerce," then on "Professional Licensing (156). DOPL's rules will appear. Feel free to have a look. It will give you a feel for the organization of this rule.

R156. Commerce, Professional Licensing

R156-90. County Recorder Standards Rule.

R156-90-101. Purpose and Authority.

- (1) This rule is known as the “County Recorder Standards Rule.”
- (2) This rule is adopted by the Division under the authority of Section _____ to define, clarify, and establish the standards for county recorders.
- (3) This rule is made pursuant to [Section 63C-30-202](#), which gives authority to the County Recorder Standards Board to establish statewide standards for county recorders.

Commented [KS2]: Click [here](#) for a link to documents approved by the Board.

Commented [3]: Note from drafter: I tend to overwrite to include everything possible and then parse it down during editing. This is a very rough partial draft.

R156-90-102. Definitions.

Terms used in this rule are defined in Title 17, Chapter 21, Recorder, Title 17, Chapter 21a, Uniform Real Property Electronic Recording Act, Title 46, Chapter 1, Notaries Public Reform Act, Title 57, Chapter 1, Conveyances, and Title 63C, Chapter 30, County Recorder Standards Board. In addition:

- (1) “A.k.a” means also known as.
- (2) “Acknowledgement” is a notarial act that is defined in Subsection 46-1-2(1).
- (3) “Account number” means a tracking number that may be used by an LRMS to identify a property but is not a parcel number.
- (4) “Affidavit of correction” means a signed document containing a sworn statement recorded to correct an error or inaccurate information in a prior document of record.
- (5) “Alteration” means a change in a document sufficient to alter the document’s legal meaning or effect.
- (6) “Blended notary method” means a notarized document that has both a wet signature and an electronic signature.
- (7) “Child parcel” means a new parcel created when a parent parcel is split, divided, combined, or otherwise changed and results in a different configuration of boundaries.
- (8) “Clerical error” means a mistake made in a document that changes its meaning including:
 - (a) a typographical error; or
 - (b) the intentional addition or omission of:
 - (i) a word;
 - (ii) a phrase;
 - (iii) a number; or
 - (iv) a symbol.
- (9) “Clarifying language” means a word or phrase added to:
 - (a) eliminate confusion and ambiguity; and
 - (b) clarify the meaning of the word or phrase.
- (10) “Completion date” means the date that the names on a recorded document are posted as indexed on the county recorder’s website and in the office.
- (11) “Corrective language” means a word or phrase used to correct an error, misunderstanding, or inconsistency in a document.
- (12) “Cross indexing” means the practice of indexing names or entities from a recorded document.

Commented [KS4]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [5]: What do we need to define? What is already defined in statute that should be referenced here?

Commented [6]: From *Tax identification numbers on documents WHEN required* document.

Commented [7]: Taken from *Redaction of documents found in the Official Records of County Recorder’s Offices*, Section 2.2.1.

Commented [8]: From *Recording of Documents with Blended Notary Methods* document.

Commented [KS9]: Alternate definition: “Completed date” means the date by which a document is officially recorded in the county’s LRMS, is available to the public, and provides constructive notice.

- (13) “Cross reference” means the practice of combining documents that contain a reference or citation to another document by:
 (a) entry number; or
 (b) the book and page.
- (14) “Document” is defined in Subsections 57-1-1(2) and 17-21a-102(2) and includes an instrument.
- (15) “Entity” means an association, company, or a similar organization that has legal rights and responsibilities including conveying or accepting conveyance of property.
- (16) “F.k.a.” means formerly known as.
- (17) “Grantee” means an individual or entity to whom real estate is conveyed or transferred.
- (18) “Grantor” means an individual or entity who conveys or transfers real estate.
- (19) “Grantee line” means the portion of the document that contains the name of each grantee.
- (20) “Grantor line” means the portion of a document that lists the name of each grantor.
- (21) “Indexing date” means the date used to indicate when the indexed information from a document have been entered and is posed in the county recorder’s office.
- (22) “Instrument” means a legal document created to affect the rights and liabilities of the parties and is the same thing as a document.
- (23) “Jurat” is a notarial act that is defined in Subsection 46-1-2(10).
- (24) “LRMS” means the county’s land records management system.
- (25) “Minor error” means an error that may be corrected under Subsection 57-3-106(9) and (10).
- (26) “Mortgagee” is as defined in Subsection 57-1-39(4).
- (27) “Obliterate” means to permanently wipe out, remove, or erase all existence of information in a document.
- (28) “Omission” means a clerical error where a single word is missing in a document where the single word is obviously needed, but does not include the following:
 (a) adding or removing a grantor or grantee name;
 (b) adding an additional description;
 (c) changing a description by adding a less and excepting parcel description; or
 (d) Missing parcel description in the original deed;
- (29) “Parcel division” or “parcel split” means the process wherein a parcel is divided into two or more parcels.
- (30) “Parcel combination” means the process wherein two or more parcels are combined into a new parcel.
- (31) “Parcel number” means the same as a tax identification number or TIN as defined in Subsection (38).
- (32) “Parent parcel” means the original parcel involved in a split, division, subdivision, or combination as it existed before the change in parcel boundaries.
- (33) “Personal information” is as defined in Subsection 17-21-12.5(1).
- (34) (a) “Parcel identification number” or “PIN” means a unique number used by the Property Records Industry Association (PRIA) to identify a specific property that may be referenced in property records.
 (b) “Parcel identification number” or “PIN” may also be called a parcel number.

Commented [KS10]: Possible alternative definition: (21) (a) “Indexing date” means the date the county recorder’s office:

- (i) formally records a document in the county’s official record system; and
 - (ii) publicly posts the recordation on the county website and in the county recorder’s office.
- (b) “Indexing date” may be also called the recording date.

Commented [11]: Taken from: *Affidavit of Correction*. 4.3 Omission:

According to Black’s Law Dictionary an omission is only considered a clerical error if the omission is an obviously needed word. More than a single obviously needed word that was omitted would not be considered a clerical error.

Adding additional descriptions such as an additional parcel or changing a description by adding a less and excepting parcel description is not accepted. In *Pioneer Builders v. KDA Corp*; the Utah Supreme Court ruled that an omission of a parcel description from the original deed is not an error that can be corrected by the recording of an affidavit.

Adding or removing names for grantor or grantee are not omissions. Omissions of more than a single obviously needed word are not considered clerical errors and can not be fixed with an affidavit but would require an “other appropriate instrument.”

Commented [12]: From *Tax identification numbers on documents WHEN required* document.

Commented [13]: From *Tax identification numbers on documents WHEN required* document.

Commented [14]: From *Tax identification numbers on documents WHEN required* document.

- assessor's identification number (AIN), or assessor's parcel number (APN).
- (35) "Record owner" means the individual or entity whose name is officially listed as the owner of the property in the public record.
- (36) "Remote online notarization" or "RON" means the process of remotely notarizing a document under Section 46-1-3.6.
- (37) "Satisfactory evidence of identity" is defined in Subsection 46-1-2(20).
- (38) "Serial number" is a tracking number that may also be the same as a parcel number in the LRMS.
- (39)
- (a) "Tax identification number," "tax ID number," and "TIN" mean a unique number assigned by the county recorder's office to designate a specific parcel of land and is also known as:
- (i) an assessor's parcel number or APN;
- (ii) a parcel number; or
- (iii) a parcel identification number as defined in Subsection (34).
- (b) "Tax identification number," "tax ID number," and "TIN" does not include an account number or tracking number that is automatically assigned by the LRMS.
- (40) "Typographical error" or "typo" means:
- (a) a mistake in printed or typed text such as a misspelled word;
- (b) a mistake in printed matter resulting from a mechanical failure of some kind;
- (c) a minor error in transposition of a letter or word of common knowledge; or
- (d) an omission of a letter or number.

Commented [15]: From *Recording of Documents with Blended Notary Methods* document.

Commented [16]: From *Tax identification numbers on documents WHEN required* document.

R156-90-301. Document Presented Shall Meet Recording Requirements.

If a document meets the requirements to be recorded by a county recorder, then the county recorder shall use the standards of this rule to index information in the LRMS.

Commented [17]: Based on Affidavit of Correction
4. Supporting Information
4.1 Typo

Drafter note to self:
Possible example language from Title 58, chapter 60a
Counseling Compact.
58-60a-111. Section 11 -- Rulemaking.
N. The Commission or an authorized committee of the
Commission may direct revisions to a previously
adopted Rule or amendment for purposes of correcting
typographical errors, errors in format, errors in
consistency, or grammatical errors....

Commented [KS18]: The committee has NOT
reviewed this section.
Is this section needed?

Commented [KS19]: This is a new section that the
committee has not reviewed.

Commented [20]: Based on *Indexing Property
Records in the County Recorder's Offices*, Section 2.

R156-90-301a. General Indexing Entry Procedures – Format.

- (1) If a document otherwise meets the requirements for recording, a county recorder shall index information into the county LRMS using the standards of this section.
- (2) A county recorder shall enter:
- (a) information exactly as it appears on the document;
- (b) information using uppercase letters;
- (c) any special character in a name if the LRMS allows;
- (d) an Arabic numeral or a Roman numeral exactly as it appears on the document;
- (e) the trustee's name before the name of the trust;
- (f) the grantee's address according to the United States Postal Service's Postal Addressing Standards at www.usps.com; or
- (g) the date of a trust in a MM/DD/YYYY format.
- (3) If the name of a party is abbreviated in the document, the county recorder shall index:
- (a) the party's name as abbreviated on the document; and
- (b) the party's full name.
- (4) A county recorder shall index the following information even if it is not on the document:
- (a) a party's capacity title such as "trustee" or "personal representative"; or

Commented [21]: Roman numerals use both upper
and lower case. Do we need to add an exception to
Subsection (1)?

- (b) a generational suffix title such as “Sr” or “Jr”;
- (5) A county recorder shall remove punctuation and the space left by the punctuation except if:
- (a) property is in the name of a company with a website top-level domain including “.com”, “.org”, or “.net”; or
- (b) a party’s name contains a hyphen or an apostrophe.
- (6) When back indexing historical records, if the individual’s name is abbreviated on the document, the county recorder shall compare the abbreviated name with the party’s signature to determine the full name of the individual to index;
- (7) A county recorder may not index the following titles:
- (a) courtesy title such as “Ms.” or “Dr.”;
- (b) honorary title such as “colonel” or “honorable”; or
- (c) professional title such as “MD,” “PhD”, or “CPA”;
- (8) if a document affecting real estate is made by a U.S. marshal, sheriff, master in chancery, special commissioner, executor, administrator, guardian, trustee, or other person acting on behalf of another, then the county recorder shall index the document in the name of the person whose land is sold or affected as grantor.

Commented [22]: What about a hyphen in a name? E.g., Gian-Carlo, Baker-Mansfield, O’Brien, etc.?

Commented [KS23]: Already in statute in Section 17-21-9, so this can be removed from the draft rule.

R156-90-302. Indexing Last Name Prefixes and Compound Names.

- (1) If a surname on a document contains two or more words, the county recorder shall index the surname as it appears on the document subject to Subsection R156-90-301(2)(c);
- (2) A county recorder shall index a name with a generational suffix title in the following order:
- (a) last name;
- (b) first name;
- (c) middle name or initial, if any; and
- (d) generational suffix title.
- (3) If the LRMS allows it, a county recorder shall index a party’s a.k.a. or f.k.a. into the LRMS and mark the name as an a.k.a. or f.k.a.

Commented [KS24]: The committee HAS reviewed and revised this Subsections (1) and (2). The drafter has since revised this section and added Subsection (3).

Commented [25]: Should the county recorder index the a.k.a./f.k.a.? Should they enter the terms “a.k.a.” or “f.k.a.” in the LRMS?

R156-90-303. Indexing Other Names Not On Grantor Line, Grantee Line, or Trustor Line.

- (1) A county recorder shall index the following names that are printed or typed on a document accepted for recording:
- (a) under Subsection 17-21-6(b), the name of each grantor who:
- (i) is listed in the grantor line;
- (ii) is listed in the grantor block; and
- (iii) signs in the grantor block;
- (b) under Subsection 17-21-6(c), the name of each grantee who:
- (i) is listed in the grantee line;
- (ii) is listed in the grantee block;
- (iii) signs the grantee block, if applicable; and
- (c) the name of each trustor in a deed of trust who:
- (i) is listed in the trustor line;
- (ii) is listed in the trustor block; and

Commented [KS26]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [KS27]: From *Indexing Property Records in the County Recorder’s Offices*, Section 3.

- (iii) signs in the trustor block.
- (2) A county recorder may not index the name of an individual, entity, or trust of the name does not meet the requirements of Subsection (1)(a)(i), (1)(b)(i), or (1)(c)(i) even if that individual, entity, or trust has an interest in property listed in a document presented for recording.

Commented [KS28]: This is to address the issue of when a second grantor signs the document but is not conveying away their interest in the property.

R156-90-304. Indexing Misspelled Names or Unclear Names.

- (1) If a word is misspelled in the original document, the county recorder shall:
- (a) index information exactly as it is printed or typed on the document; and
 - (b) if the database allows it, include a note in the LRMS that the misspelling is in the original document such as:
 - (i) the word sic surrounded by brackets;
 - (ii) “the document was indexed as presented”;
 - (iii) “a specific word is misspelled in the original document as presented”; or
 - (iv) “spelling index is as written on the document”.
- (2) If the spelling of a word is unclear in the original document, the county recorder shall:
- (a) include a note in the database that the spelling is unclear in the original document; and
 - (b) index the name under Section R156-90-501.

Commented [KS29]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

R156-90-305. Tax Identification Number (TIN) on a Recorded Document.

- (1) If possible, the county recorder shall enter the TIN into the LRMS.
- (2) Under Subsection 17-21-20(4)(b)(ii), a TIN may be placed:
- (a) on the front of a document; or
 - (b) in a conspicuous place near the description such as in the margins of the document.
- (3) If a document contains multiple properties with legal descriptions:
- (a) the properties may be listed in sequential order;
 - (b) the TIN for each description may be:
 - (i) listed in the document in the same sequential order as the descriptions are listed on the document; or
 - (ii) placed near the corresponding legal description in the document; or
 - (c) a range of TIN may be in the same sequential order.

Commented [KS30]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [KS31]: Based on *Tax identification numbers on documents WHEN required*, Subsection 2.2 and 2.3.

R156-90-306. Recording a Document – Parcel Number Change.

- (1) If a document presented for recording includes a new description that either creates a parcel division or combines two or more parcels, the county recorder may:
- (a) assign a new parcel number to each new parcel;
 - (b) use the newly assigned parcel number under Subsection (1)(a) whenever possible subject to Subsection (2); and
 - (c) include additional wording to the parcel number indicating a change to the parcel’s size or shape as follows:

Commented [KS32]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [33]: Based on *Tax identification numbers on documents WHEN required*, subsection 3. Parcel Number Changes.

- (i) for a parcel divided into two or more new parcels, language indicating that the new parcel was previously part of a specifically identified larger parcel; and
- (ii) if the document combines two or more parcels, language indicating that the individual parcel number for each parcel being combined.
- (2) A county recorder may accept a document that contains the previous legal description of the parcel or parcels if the document was created before the parcel number changed.

Commented [34]: Based on *Tax identification numbers on documents WHEN required*, Subsection 3.2.2.

R156-90-307. Recording a Document – Blended Notary Methods.

- (1) A county recorder may accept a document with blended notary if the document started as a paper copy and was then converted to an electronic format if:
- (a) at least one party signed with a wet ink signature to the paper copy;
- (b) the paper copy was properly notarized;
- (c) the paper copy was converted into an electronic form;
- (d) each additional signature on the electric form has:
- (i) has a RON signature; and
- (ii) has a RON notary acknowledgement; for each additional signature; and
- (e) the document meets the requirements of Section 46-1-3.6.
- (2) A county recorder may accept a document with blended notary with counterparts if:
- (a) more than one party signed the document;
- (b) the RON signature is added to a counterpart document;
- (c) each paper copy counterpart has a wet signature and was properly notarized;
- (d) each party signing electronically submits the party's own:
- (i) RON signature; and
- (ii) RON notarization;
- (e) there is more than one counterpart, then the word "counterpart" is at the top of the front page on the second counterpart and any subsequent counterpart;
- (f) each of the signed counterpart signature documents match exactly;
- (g) each of the signed paper copy counterpart documents has been combined into one complete electronic file with each electronic RON counterpart; and
- (h) the document meets the requirements of Section 46-1-3.6.

Commented [KS35]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [KS36]: This is based on 2.1.1 in *Recording of Documents with Blended Notary Methods*. Where do these requirement come from? I do not see them in the statute. Is this requiring more than the notary statute requires?

R156-90-308. Real Property Held in Trust.

- (1) A county recorder may accept a document presented for recording of a property conveyed to an individual as trustee of a trust if the document meets the requirements of Subsection 75B-2-816(3).
- (2) When recording a document that conveys real property to an individual as trustee of a trust, a county recorder:
- (a) shall enter the name of each trustee as record title holder.
- (b) for convenience, may enter the name of the trust as owner in lieu of the name of the trustee or co-trustees in the county's:
- (i) ownership plat records using the trust name only as a visual representation.

Commented [KS37]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [38]: Based on *Title to Real Property Held in Trust*.

- (ii) tax role and index indicating zero percent interest in the property.
- (3) Under Section 75B-2-704 and subject to Section 75B-2-703, a county recorder may accept an affidavit to fill a vacancy of a trustee from record title if:
- (a) the trustee:
- (i) vacated the trust; or
- (ii) did not directly sign out of the trust;
- (b) there is no appointment of successor; and
- (c) the affidavit of vacancy includes the following:
- (i) declaration of vacancy;
- (ii) declaration of the fulfillment of the terms of the trust agreement;
- (iii) full name of the trust;
- (iv) full date of the trust;
- (v) legal description of the real property affected;
- (vi) name of trustee being removed from record title;
- (vii) declaration of reason for vacating trusteeship;
- (viii) declaration that the terms of trust agreement relating to vacancy have been satisfied;
- (ix) if the vacancy occurred because the trustee has died, a copy of the trustee's death certificate or other government-issued document under Section 75-1-107; and
- (x) an acknowledgement that the successor trustee has assumed their rights and responsibilities under the terms of the trust.
- (4)
- (a) If a trust agreement specifically allows a trustee to be designated as a signatory to act independently from any co-trustee, a county recorder shall require an affidavit declaring the designation according to the terms of the trust.
- (b) The affidavit declaring the designation shall include the following:
- (i) a statement that:
- (A) if the trust agreement allows a single trustee to sign independently from co-trustees, a single trustee may declare designation under the terms of the trust; or
- (B) all co-trustees on record title designate and authorize a trustee to sign independently;
- (ii) full name of the trust;
- (iii) full date of the trust;
- (iv) legal description of the real property affected;
- (v) name of the record title trustee who is designating their signatory authority; and
- (vi) declaration including the following:
- (A) of the designation of their authority to a signatory; and
- (B) that the terms of the trust agreement regarding the designation have been satisfied and may include a reference to the specific trust provision governing the designation.

Commented [39]: Taken from *Title to Real Property Held in Trust*, Subsection 2.2.4. Designation of Signatory.

Commented [KS40]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [KS41]: From *Indexing Property Records in the County Recorder's Office*, Section 2.

R156-90-309. Index Corrections.

- (1) If the name of a party as typed or written in more than one location on a document and does not exactly match the party's signature, the county recorder shall index both name variations.
- (2) If an individual submits a document to correct there is an error in a recorded document, a county recorder shall:
- (a) index the corrected information in the LRMS whenever possible;
 - (b) mark the incorrect information in the LRMS as erroneous; and
 - (c) maintain the correct and erroneous information in the LRMS.
- (3) If the LRMS allows, a county recorder shall create an additional index entry in the LRMS:
- (a) to index the corrected information; and
 - (b) add the following information in the private comments or notes section of the additional entry:
 - (i) the reason for the change;
 - (ii) the date the change was made; and
 - (iii) where the change was made.
- (4) A county recorder shall create additional policies to ensure the index corrections in the database become more consistent and accessible over time.
- (5) If a county recorder discovers that information on a recorded document was erroneously entered into the LRMS through a clerical error, a county recorder shall:
- (a) correct the clerical input error; and
 - (b) remove the erroneous information.

R156-90-401. Name Discrepancies – Grantor As Individual – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

If a grantor is an individual and the document presented for recording otherwise meets the requirements to be recorded, a county recorder may accept a document as follows:

- (1) on the document presented for recording:
- (a) the name of the record owner in the LRMS is printed or typed exactly the same in the following sections of the document:
 - (i) grantor;
 - (ii) name of the grantor in the signature block; and
 - (iii) name of the grantor in the notary acknowledgement or jurat;
 - (b) notwithstanding Subsection (1)(a), a county recorder may accept a document if the executing party's name as printed or typed by the notary on the notary acknowledgement or jurat does not exactly match the party's name as typed or printed in the document but uses one of the following formats:
 - (i) “ (part party's name as typed or printed by notary) also known as (part party's name exactly as printed or typed in the document)”;
or
 - (ii)

Commented [KS42]: The committee has NOT yet reviewed this section.

Commented [43]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1 All Names Match Exactly: When a document is presented for recording, the following name(s) should match exactly:

Jane Smith (Record Owner)

Jane Smith (Grantor)

Jane Smith (Signature Block)

Jane Smith (Notary Acknowledgment/Jurat)

Commented [KS44]: *May need to add a bit more here.

Taken from: *Name Discrepancies – Individuals*.

2. Standard Procedure

2.1.3 Notary Acknowledgement/Jurat.

Commented [45]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.3 Notary Acknowledgement/Jurat: When the name of party(ies) signing the document must be typed/printed by in the Notary Acknowledgement/Jurat section. The typed/printed name(s) should be the same names as the Record Owner(s), the Grantor(s), and the printed name(s) in the Signature Block. However, the typed/printed name(s) in the Notary Acknowledgement/Jurat section do not need to match exactly as the Record Owner(s), Grantor(s), and printed/typed name(s) in the Signature Block. Notary Publics will often type/print the name(s) of the person(s) signing before them exactly as their names appear on their government issued ID's. For example, the following formats are acceptable:

Jane Smith (Record Owner)

Jane Smith (Grantor)

Jane Smith (Signature Block)

Jane Doe Smith (Notary Acknowledgment/ Jurat)

or

Jane Smith (Record Owner)

Jane Smith (Grantor)

Jane Smith (Signature Block)

Jane Doe Smith a.k.a. Jane Smith (Notary Acknowledgment/Jurat)

Commented [46]: Possible alternate wording:

1) A county recorder may accept the following:

(a) a document presented for recording where a party executing the document did not sign their name exactly how the party's name was printed or typed on the document.

(b) (i) notary acknowledgement or jurat where a party's name does not exactly match the party's name as printed or typed on the document as the result of how the party's name appears on the satisfactory evidence of identity the party presented to the notary.

(ii) (A) a notary acknowledgement or jurat under Subsection (4)(b)(i) where a party's name as written by the notary is followed by clarifying language and the exact name of the party as printed or type ... [1]

- 407 “_____ (party’s name as typed or printed by notary) a.k.a.
408 _____ (party’s name exactly as printed or typed in the document)”.
- 409 (c) a party executing the document has not signed exactly the way the party’s name
410 as printed or typed in the document.
- 411 (2)
- 412 (a) if the grantor is an individual whose name on a document does not exactly match
413 the name of the record holder due to a change in the grantor’s name, the county
414 recorder may accept the document if the grantor section:
- 415 (i) includes:
- 416 (A) the current name of the grantor signing;
- 417 (B) language clarifying the record holder grantor had a name change;
418 and
- 419 (C) the grantor’s former name; and
- 420 (ii) exactly matches the current name of the grantor as printed or typed in
421 the signature block.
- 422 (b) the following format satisfies the requirements of Subsection (2)(a)(i):
- 423 (i)
- 424 “_____, (grantor’s current name), grantor, formerly known as
425 _____ (grantor’s former name)”;
- 426 (ii)
- 427 “_____, (grantor’s current name), grantor, f.k.a. _____ (grantor’s former
428 name)”.
- 429 (3)
- 430 (a) if a grantor is an individual whose name on a document does not exactly match
431 the name of the record holder due to an error in a previous document, then the
432 county recorder may accept the document if the grantor section:
- 433 (i) includes:
- 434 (A) the correct name of the grantor signing;
- 435 (B) language clarifying that the record holder grantor acquired title
436 under an erroneous name in a previous document; and
- 437 (C) the erroneous name of the grantor in the previous document; and
- 438 (ii) exactly matches the correct name of the grantor as printed or typed in the
439 signature block.
- 440 (b) the following format satisfies the requirements of Subsection (3)(a)(i):
- 441 (i)
- 442 “_____, (grantor’s correct name), grantor, who acquired title as
443 _____ (grantor’s name as it erroneously appeared in the previous
444 document)”;
- 445 (ii)
- 446 “_____, (grantor’s correct name), grantor, who erroneously acquired
447 title as _____ (grantor’s name as it erroneously appeared in the previous
448 document)”.
- 449
- 450
- 451

Commented [47]: What about a witness, notary, or other person who signs the document?

Taken from: *Name Discrepancies – Individuals*.

2.1.2 Signature Block:

...The party(ies) executing the document do not need to sign exactly how the printed/ typed name(s) appear.

Commented [48]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.1 Grantor Line:

If the name of the party executing the document does not match the Record Owner, due to name change or error in a prior document, the correct/current name of the party(ies) signing must appear as the Grantor(s) of the document followed by clarifying language. For example, if Jane Smith is signing the document, but the Record Owner is Jane Johnson, the following is acceptable in the Grantor section:

“Jane Smith, f.k.a. Jane Johnson”

or

“Jane Smith, formerly known as Jane Johnson”

Commented [49]: Should this be “line” or “section”?

Commented [50]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.2 Signature Block: The name(s) of the party(ies) signing the document shall be typed or printed just beneath the signature on each document (Utah Code 17-21-25) and must match the name(s) in the Grantor section. In the event the Grantor section contains “formerly known as”, “also known as”, or corrective language, the typed or printed name(s) beneath the signature must match the correct/current name(s) as shown in the Grantor section.

For example, if the Grantor line reads “Jane Smith, f.k.a. Jane Johnson, Grantor”, the name typed or printed only needs to show “Jane Smith”. The “f.k.a.”, or “formerly known as” language is not needed in ... [2]

Commented [51]: The Board approved documents use examples like these. The language and format here is based on following statute section:

57-1-12. **Form of warranty deed -- Effect.**

Conveyances of land may be substantially in the following form:

WARRANTY DEED

... [3]

Commented [52]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.1 Grantor Line:

If the name of the party executing the document does not match the Record Owner, due to name change or error in a prior document, the correct/current name of the party(ies) signing must appear as the Grantor (... [4]

Commented [53]: Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.2 Signature Block

R156-90-402. Name Discrepancies – Grantor is Entity – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

If a grantor is an entity and the document presented for recording otherwise meets the requirements to be recorded, a county recorder may accept a document as follows:

(1) on the document presented for recording:

(a) the name of the grantor entity is printed or typed exactly the same in the following sections of the document:

- (i) record owner; and
- (ii) grantor;

(b) notwithstanding Subsection (a), a county recorder may accept a document if a notary printed or typed the name of a party authorized to execute a document for a grantor entity on the notary acknowledgement or jurat in a way that does not exactly match the party's name as typed or printed in the document but does use one of the following formats:

- (i) “_____ (authorized party's name as typed or printed by notary) also known as _____ (authorized party's name as printed or typed in the document)”; or
- (ii) “_____ (authorized party's name as typed or printed by notary) a.k.a. _____ (authorized party's name as printed or typed in the document)”.

(c) a party authorized to execute a document for a grantor entity has not signed exactly the way the party's name is printed or typed in the document.

(2)

(a) if a grantor is an entity whose name on a document does not exactly match the name of the record holder entity due to an error in a previous document, then the county recorder may accept the document if the grantor section:

- (i) includes:
 - (A) the correct name of the entity grantor signing;
 - (B) language clarifying the correct entity's acquired title under an erroneous name in a previous document; and
 - (C) the erroneous name of the grantor entity on the previous document;and
- (ii) exactly matches the name of the correct grantor entity as printed or typed in the signature block.

(b) a grantor section written in one of the following formats satisfies the requirements of Subsection (1)(a)(i):

- (i) “_____, (grantor entity's correct name), grantor, that acquired title as _____ (grantor entity's name as it erroneously appeared in the previous document)”; or
- (ii)

Commented [KS54]: The committee has NOT yet reviewed this section.

Commented [55]: What about a grantee who is an entity? Do any of these apply?

Commented [56]: Two questions:
1. This language does not appear in the *Name Discrepancies – Entities* document, but it is in the *Name Discrepancies – Individual* and *Name Discrepancies – Trusts* documents. Does it apply here?
2. Can this be a grantee entity? Or just a grantor entity?

Commented [57]: What about a witness, notary, or other person who signs the document?
Taken from: Name Discrepancies – Individuals.
2.1.2 Signature Block:
...The party(ies) executing the document do not need to sign exactly how the printed/ typed name(s) appear.

- 496 “_____, (grantor’s correct name), grantor, that erroneously acquired
497 title as _____ (grantor entity’s name as it erroneously appeared in the
498 previous document)”.
- 499 (3)
- 500 (a) if the grantor is an entity whose name on a document does not exactly match the
501 name of the record holder due to a name change, merger, acquisition, or
502 conversion, the county recorder may accept the document if the grantor section:
- 503 (i) includes:
- 504 (A) the current name of the grantor entity signing;
- 505 (B) language clarifying that the current entity acquired title due to a
506 name change, merger, acquisition, or conversion; and
- 507 (C) the grantor entity’s former name; and
- 508 (ii) exactly matches the name of the grantor entity as printed or typed in the
509 signature block.
- 510 (b) a grantor entity line written in one of the following formats satisfies the
511 requirements of Subsection (2)(a)(i):
- 512 (i) for a name change:
- 513 (A)
- 514 “_____, (grantor entity’s current name), grantor,
- 515 formerly known as _____ (grantor entity’s record holder
516 name)”; or
- 517 (B)
- 518 “_____, (grantor entity’s current name), grantor, f.k.a.
- 519 _____ (grantor entity’s record holder name)”;
- 520 (ii) for a merger:
- 521 “_____, (grantor’s current name), grantor, by merger of
- 522 _____ (grantor entity’s record holder name)”;
- 523
- 524 (iii) for an acquisition:
- 525 “_____, (grantor entity’s current name), grantor, by acquisition
- 526 of _____ (grantor entity’s record holder name)”; or
- 527 (iv) for a conversion:
- 528 “_____, (grantor entity’s current name), grantor, by conversion
- 529 of _____ (grantor entity’s record holder name)”.
- 530
- 531

R156-90-403. Name Discrepancies – Grantor is Trust – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

If a grantor is a trust and the document presented otherwise meets the requirements to be recorded, a county recorder may accept a document as follows:

(1) on the document presented for recording:

(a) the name of each trustee and the name of the trust exactly match in the following sections of the document:

- (i) record owner;
- (ii) trustee;
- (iii) trustee's name and trust name in the signature block; and
- (iv) trustee's name and trust name in the notary acknowledgement or jurat.

(b) notwithstanding Subsection (1)(a), a county recorder may accept a document if the notary printed or typed the name of executing party trustee on the notary acknowledgement or jurat in a way that does not exactly match the party's name as printed or typed in the document but uses one of the following formats:

(i) “ _____ (name of the executing party trustee as printed or typed by notary) also known as _____ (name of executing party trustee exactly as printed or typed in the document), Trustee of the _____ (name of trust) Trust, dated _____ (trust's execution date)”; or

(ii) “ _____ (name of the executing party trustee as printed or typed by notary) a.k.a. _____ (name of executing party trustee exactly as printed or typed in the document), Trustee of the _____ (name of trust) Trust, dated _____ (trust's execution date)”; or

(c) an executing party trustee has not signed exactly the way the party's name is printed or typed in the document;

(2)

(a) if the grantor is a trust on a document presented for recording, if the name of a trustee does not exactly match the name of the trustee of record due to either a change in the trustee's name or an error of the trustee's name in a previous document, the county recorder may accept the document if the current or correct name of the trustee:

(i) is followed by:

(A) language clarifying:

- (I) the trustee of record had a name change; or
- (II) there is an error of the trustee's name in a previous document; and

(B) the trustee's former or erroneous name; and

(ii) exactly matches the name of the trustee as printed or typed in the signature block;

(b) the following shall satisfy the requirements of Subsection (1)(a)(i):

(i) if the name of the trustee changed:

Commented [KS58]: The committee has NOT yet reviewed this section.

Commented [59]: Taken from: *Name Discrepancies – Trusts: Recording*

2.1.3 Notary Acknowledgement/Jurat: The name of party(ies) signing the document must be typed/printed in the Notary Acknowledgement/ Jurat section. The typed/printed name(s) should be the same names as the Record Owner(s), the Grantor(s), and the printed name(s) in the Signature Block. However, the typed/printed name(s) in the Notary Acknowledgement/Jurat section do not need to be the same as the Record Owner(s), Grantor(s), and printed/typed name(s) in the Signature Block. Notary Publics will often type/print the name(s) of the person(s) signing before them exactly as their names appear on their government issued ID's. For example, the following formats are acceptable:

Jane Smith, Trustee... (Record Owner)
Jane Smith, Trustee... (Grantor)
Jane Smith, Trustee... (Signature Block)
Jane Smith (Notary Acknowledgment/Jurat)
or
Jane Smith, Trustee... (Record Owner)
Jane Smith, Trustee... (Grantor)
Jane Smith, Trustee... (Signature Block)
Jane Smith, a.k.a Jane Doe Smith (Notary Acknowledgment/Jurat)

Commented [60]: What about a witness, notary, or other person who signs?

Commented [61]: What about a witness, notary, or other person who signs the document?

Taken from: *Name Discrepancies – Individuals.*

2.1.2 Signature Block:

...The party(ies) executing the document do not need to sign exactly how the printed/ typed name(s) appear.

- (A) “_____, (trustee’s current name), formerly known as _____
(trustee’s former name), Trustee of the _____ (trust name)
Trust, dated _____ (trust’s execution date)”; or
- (B) “_____, (trustee’s current name), f.k.a. _____ (trustee’s
former name), Trustee of the _____ (trust name) Trust”; or
- (ii) if
- (A) “_____, (trustee’s correct name), who acquired title as _____
(trustee’s erroneous name on the previous document), Trustee of
the _____ (trust name) Trust”; or
- (B) “_____, (trustee’s correct name), who erroneously acquired
title as _____ (trustee’s erroneous name on the previous
document), Trustee of the _____ (trust name) Trust”.
- (3) (a) if the name of a grantor that is a trust on a document does not exactly match the
name of the trust of record due to either a change in the trust’s name or an error of
the trust’s name in a previous document, the county recorder may accept the
document if the current or correct name of the trust:
- (i) appears as the grantor of the document and is followed by:
- (A) language clarifying:
- (I) the trust of record had a name change; or
- (II) there is an error of the trust’s name in a previous document;
and
- (B) the trust’s former or erroneous name; and
- (ii) exactly matches the name of the trust as printed or typed in the signature
block.
- (b) the following shall satisfy the requirements of Subsection (2)(a)(i):
- (i) if the name of the trust changed:
- (A) “_____, (trust’s current name) Trust, formerly known as the

(trust’s former name) Trust, dated _____ (trust’s
execution date)”; or
- (B) “_____, (trust’s current name) Trust, f.k.a. the _____ (trust’s
former name) Trust, dated _____ (trust’s execution date)”; or
- (ii) if there was an error of the trust’s name in a previous document:
- (A) “_____, (trust’s correct name) Trust, that acquired title as the

(trust’s erroneous name on the previous document)
Trust”; or
- (B) _____

Commented [62]: Should there be an “a.k.a.” option here? “A.k.a.” is mentioned in *Name Discrepancies - Trusts* but is not one of the “acceptable” formats given in that document (see below).

2.1.2 Signature Block: The name(s) of the Trustee(s) signing the document shall be typed or printed just beneath the signature on each document (UCA 17-21-25) and must match the Trustee(s) name(s) in the Grantor section. In the event the Grantor section contains “formerly known as”, “also known as”, or corrective language, the typed or printed name(s) beneath the signature must match the correct/current name(s) of the Trustee(s) as show in the Grantor section.

For example, if the Granter line reads “Jane Smith, f.k.a. Jane Johnson, Trustee...”, the name typed or printed only needs to show “Jane Smith, Trustee”. The “f.k.a.”, or “formerly known as” language is not needed. If the Granter line reads “Jane Smith, who acquired title as Jan Smith, Trustee...”, the name typed or printed only needs to show “Jane Smith, Trustee”. The “who acquired title as” language is not needed.

Commented [63]: Do we want to include this language in the rule? If we do not, will people be confused?

Commented [64]: Note for later: Change.

Commented [65]: “Formerly known as” and “f.k.a.” are not specifically given in the *Name Discrepancies-Trusts* document. I added them here for consistency. Is this correct?

- 622 “ (trust’s correct name) Trust, that erroneously acquired
623 title as the (trust’s erroneous name on the previous
624 document) Trust”].
- 625 (4) when a trust is the grantor on a document presented for recording, if the trust of record is
626 missing the date the trust was executed and the conveying document of record was
627 recorded:
- 628 (a) on or prior to May 11, 2010, then the county recorder shall add the date the trust
629 was executed and the date of any amendment or restatements to the following
630 sections of the document:
- 631 (i) grantor;
632 (ii) grantor in the signature box; and
633 (iii) notary acknowledgement or jurat.
- 634 (b) after May 11, 2010, under Subsection 75-7-814(3), the county recorder shall
635 reject the document and leave the grantor as the record owner on the document.
- 636 (5)
- 637 (a) if the grantor is a trust on a document presented for recording, the document may
638 include an additional date for an amendment or restatement in the grantor,
639 signature block, or notary sections of the document.
- 640 (b) the following shall satisfy the requirements of Subsection (2)(a)(i):
- 641 (i) if the trust has been amended:
- 642 “ (trustee’s name) Trustee of the (trust’s name) Trust,
643 dated (date of trust), amended (date trust was
644 amended)”; or
- 645 (ii) if the trust has been restated:
- 646 “ (trustee’s name) Trustee of the (trust’s name) Trust,
647 dated (date of trust), restated (date trust was restated)”;.
- 648
- 649
- 650 **R156-90-501. Affidavit of Correction.**
- 651 (1) Under Subsections 57-3-106(9) and (10), if the document otherwise meets the recording
652 requirements of Section 17-21-20, a county recorder may accept an affidavit to correct a
653 minor error in a recorded document as follows:
- 654 (a) date of trust is:
- 655 (i) incorrect; or
656 (ii) omitted;
- 657 (b) error between the name of a grantor and the name of the record owner if there is:
- 658 (i) a misspelling of a name;
659 (ii) a conflict with an initial; or
660 (iii) another minor conflict.
- 661 (c) error in one of the following legal descriptions:
- 662 (i) lot;
663 (ii) phase;
664 (iii) a misspelling of a subdivision name except that it may not change the
665 entire subdivision name;
666 (iv) an amended subdivision was not indicated;
667 (v) a duplicate calls in legal description;

Commented [66]: This is not one of the specific examples given in the *Name Discrepancies-Trusts* documents. Included here for consistency. Add?

Commented [67]: Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000, amended June 10, 2020.

Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000, restated June 10, 2020

Commented [KS68]: The committee HAS reviewed and revised this section. The drafter has since revised this section.

Commented [69]: Taken from *Affidavit of Correction*.
2.1 Minor Errors Which May Be Corrected By Affidavit:
The following are examples of minor errors (narrow in scope) which could be corrected by the recording of an affidavit if all other recording requirements are still met under UCA 17-21-20.

Commented [70]: Taken from *Affidavit of Correction*.
2.1.1 An Error in a Name:
...if the date of the Trust is incorrect or has been omitted.

Commented [71]: Taken from *Affidavit of Correction*.
2.1.1 An Error in a Name:
Correcting misspelling of name(s), conflicts with initial(s), and other small conflicts between the record owner(s) and grantor(s)...

Commented [72]: Taken from *Affidavit of Correction*.
2.1.2 An Error in a Legal Descriptions:
Subdivision names misspelled, amended subdivision not indicated, duplicate calls in the legal description, conflicts between Arabic and Roman numerals, small typographical errors in directional calls, bearings and the distance back
to the POB may be corrected by an affidavit. ...
... An affidavit may be used for the misspelling of a subdivision name but not to change the entire subdivision.

- (vi) a conflict between Arabic and Roman numerals;
(vii) directional calls including north, south, east, or west;
(viii) bearings; or
(ix) distance back to the point of beginning (POB).
- (d) notary acknowledgement or jurat for a document that contains a minor error including:
(i) an error in the notary date;
(ii) a misspelling of a signer's name subject to Subsection 57-3-106(10);
(iii) missing initials; or
(iv) another notary error.
- (e) error in section, township, or range if the remaining legal description matches the record legal description; or
(f) error in the calls establishing the point of beginning if the remaining legal description matches the record legal description.
- (2) Under Subsections 57-3-106(9) and (10) and subject to Section 17-21-20, a county recorder may accept an affidavit of correction submitted to correct minor typographical or clerical error in a recorded document if the affidavit includes a reference to:
(a) the original recorded document; and
(b) the original recorded document's recording information including the recording date and one of the following:
(i) book and page number; or
(ii) entry number.
- (3)
(a) A county recorder may accept an affidavit to correct a legal description error in the name of the lot or phase, or a misspelling of the subdivision name if:
(i) the intent is clear as to the correct legal description such as:
(A) the correct parcel number; and
(B) the grantor did not own the lot that was described on erroneous deed; and
(ii) in addition to the requirements of Subsection (2)(a), the affidavit contains
(A) the original description with the error; and
(B) the correct description.
- (b) A county recorder shall abstract the affidavit of correction to each parcel description under Subsection (3)(a)(ii).
- (4) A county recorder may accept an affidavit to correct an error in a section, township, or range that has an error in one or more calls establishing the point of beginning if:
(a) the remaining legal description matches the record legal description; and
(b) the intent is clear as to the correct legal description if:
(i) the correct parcel number was listed on the document; and
(ii) the grantor only owned the land described with the correct point of beginning.
- (5) A county recorder may accept an affidavit to correct an error in one or more calls establishing the point the point of beginning if:
(a) the remaining legal description matches the record legal description; and
(b) the intent is clear as to the correct legal description if:

Commented [73]: What about distances not to POB. Can those be corrected by an affidavit?

Commented [74]: Taken from *Affidavit of Correction*. 2.1.3 An Error in a Notary Acknowledgement: An Affidavit executed by the Notary who affixed their signature and seal to a document that contains errors in the notary date, spelling of the signers names so long as it does not divest a grantee of any real property, missing initials, or other notary errors. Utah Code 46-1-22 and 57-4a-2. ...

Commented [75]: Not in the *Affidavit of Correction* document.

Commented [76]: Taken from *Affidavit of Correction*. 2.1.4 An Error in Section Township or Range: In the case of an error in the Section, Township or Range with the remaining legal description matching the record legal description, an affidavit may be used to correct the error if the intent is clear such as a correct parcel number and the Grantor only owned the land described in the correct Section Township and Range.

Commented [77]: Taken from *Affidavit of Correction*. 2.1.5 An Error in the Point of Beginning: In the case of an error in the calls establishing the point of beginning with the remaining legal description matching the record legal description, an affidavit ... [5]

Commented [78]: Taken from *Affidavit of Correction*. 2. Standard Procedure, last sentence. ...When using an affidavit to correct a minor typographical or clerical error, the affidavit shall include a reference to the original document and its record ... [6]

Commented [79]: Taken from *Affidavit of Correction*. 2.1.2, paragraph 2. 2.1.2 An Error in a Legal Descriptions: ...In the case of a legal description error in the subdivision name, lot, or phase, an affidavit may be ... [7]

Commented [80]: Taken from 2.1.2, last sentence of paragraph 1.

2.1.2 An Error in a Legal Descriptions: ... The affidavit should contain the original descrip ... [8]

Commented [81]: Taken from 2.1.2, last sentence of paragraph 1. 2.1.2 An Error in a Legal Descriptions: ... The affidavit should contain the original description with the error and the corrected description so tha ... [9]

Commented [82]: Taken from: 2.1.4 An Error in Section Township or Range: In the case of an error in the Section, Township, or Range with the remaining legal description matching the record legal description, an affidavit may be ... [10]

Commented [83]: Taken from *Affidavit of Correction*. 2.1.5 An Error in the Point of Beginning: In the case of an error in the calls establishing the point of beginning with the remaining legal description matching the record legal description, an affidavit ... [11]

- (i) the correct parcel number is listed on the document; and
- (ii) the grantor only owned the land described with the correct point of beginning.
- (6) Under Subsection 57-3-106(10), a county recorder may not accept an affidavit of correction presented to correct the following errors:
- (a) the name of a grantee under Subsection 57-3-106(10)(a)(i) including:
- (i) an error in the grantee's name including an omission of a trustee's name;
- (ii) grantee tenancy;
- (b) the name of a grantor:
- (i) for an error in the grantor's name including changing from:
- (A) an individual to a trustee; or
- (B) a trustee to an individual;
- (ii) to change the grantor's entire name; or
- (iii) to add a grantor name;
- (c) wrong trust listed on document; or
- (d) for legal descriptions:
- (i) if at least two of the following are missing or omitted:
- (A) section;
- (B) township; or
- (C) range;
- (ii) a call to arrive at point of beginning is omitted;
- (iii) no point of beginning is established; or
- (iv) entire name of a subdivision.

R156-90-502. Redaction of Recorded Document.

- (1) After a document is recorded and is part of the official record, the county recorder may redact information in the document in accordance with this section.
- (2) Under Section 17-21-12.5, an individual may request that certain personal information be redacted or shielded from public view.

Commented [84]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit.

Commented [85]: Taken from *Affidavit of Correction*.
"name of a grantee" part ONLY
Taken from 2.2.1. An Error in a Name:
...(ii) Grantee(s). These may NOT be corrected by affidavit (57-3-106(10)(a)(i)). An error in Grantee will need to be corrected by another appropriate instrument or by the procedures outlined in the Utah Recording and Processing Standards for Name Discrepancies.

Commented [86]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit.
2.2.1 Names: ... [12]

Commented [87]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit. ... [13]

Commented [88]: Taken from *Affidavit of Correction*.
Affidavit of Correction, 2.2.1.
(i). Grantor(s).

Commented [89]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit. ... [14]

Commented [90]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit. ... [15]

Commented [91]: Taken from *Affidavit of Correction*.
2.2 Errors Which Cannot Be Corrected By Affidavit:
The following errors cannot be corrected by the recording of an Affidavit. ... [16]

Commented [92]: Taken from *Affidavit of Correction*.
2.2.2 Legal Descriptions
Section, Township and Range omitted... not accepted when two or more of these are missing or omitted... [17]

Commented [93]: Taken from *Affidavit of Correction*.
2.2.2 Legal Descriptions
...Calls to arrive at the point of beginning are omitted, or no point of beginning is established.

Commented [94]: Taken from *Affidavit of Correction*.
2.1.2 An Error in a Legal Descriptions, second paragraph:
An affidavit may be used for the misspelling of a ... [18]

Commented [KS95]: The committee has NOT yet reviewed this section.

Commented [96]: Based on *Redaction of documents found in the Official Records of County Recorder's Offices*.

Possible alternate wording:

1) A county recorder may accept the following:

(a) a document presented for recording where a party executing the document did not sign their name exactly how the party's name was printed or typed on the document.

(b) (i) notary acknowledgement or jurat where a party's name does not exactly match the party's name as printed or typed on the document as the result of how the party's name appears on the satisfactory evidence of identity the party presented to the notary.

(ii) (A) a notary acknowledgement or jurat under Subsection (4)(b)(i) where a party's name as written by the notary is followed by clarifying language and the exact name of the party as printed or typed on the document.

(B) A notary acknowledgement or jurat in one of the following formats satisfies the requirements of Subsection (4)(b)(ii)(A):

(I)

_____ (party's name as written by notary), also known as _____ (exact name of party on the document); or

(II)

_____ (party's name as written by notary), a.k.a. _____ (exact name of party on the document).

Taken from: Name Discrepancies – Individuals

2. Standard Procedure

2.1.2 Signature Block: The name(s) of the party(ies) signing the document shall be typed or printed just beneath the signature on each document (Utah Code 17-21-25) and must match the name(s) in the Grantor section. In the event the Grantor section contains “formerly known as”, “also known as”, or corrective language, the typed or printed name(s) beneath the signature must match the correct/current name(s) as shown in the Grantor section.

For example, if the Grantor line reads “Jane Smith, f.k.a. Jane Johnson, Grantor”, the name typed or printed only needs to show “Jane Smith”. The “f.k.a.”, or “formerly known as” language is not needed in the signature block.

The Board approved documents use examples like these. The language and format here is based on following statute section:

57-1-12. Form of warranty deed -- Effect.

Conveyances of land may be substantially in the following form:

WARRANTY DEED

_____ (here insert name), grantor, of _____ (insert place of residence), hereby conveys and warrants to _____ (insert name), grantee, of _____ (insert place of residence), for the sum of _____ dollars, the following described tract _____ of land in _____ County, Utah, to wit: (here describe the premises).

Witness the hand of said grantor this _____ (month\day\year).

...

See also:

57-1-12.5. Form of special warranty deed -- Effect.

57-1-13. Form of quitclaim deed -- Effect.

57-1-14. Form of mortgage -- Effect.

Taken from: *Name Discrepancies – Individuals*

2. Standard Procedure

2.1.1 Grantor Line:

If the name of the party executing the document does not match the Record Owner, due to name change or error in a prior document, the correct/current name of the party(ies) signing must appear as the Grantor(s) of the document followed by clarifying language. ...

If Jane Smith is signing the document, and the Record Owner erroneously shows as Jan Smith, the following is acceptable in the Grantor section:

“Jane Smith, who acquired title as Jan Smith”

or

“Jane Smith, who erroneously acquired title as Jan Smith”

Page 16: [5] Commented [77]

Kirsten Shumway

2/12/2025 10:55:00 AM

Taken from *Affidavit of Correction*.

2.1.5 An Error in the Point of Beginning:

In the case of an error in the calls establishing the point of beginning with the remaining legal description matching the record legal description, an affidavit may be used to correct the error if the intent is clear such as a correct parcel number and the Grantor only owned the land described with the correct point of beginning.

Page 16: [6] Commented [78]

Kirsten Shumway

2/12/2025 10:56:00 AM

Taken from *Affidavit of Correction*.

2. Standard Procedure, last sentence.

...When using an affidavit to correct a minor typographical or clerical error, the affidavit shall include a reference to the original document and its recording information, subject to the following standards...

Page 16: [7] Commented [79]

Kirsten Shumway

2/12/2025 10:38:00 AM

Taken from *Affidavit of Correction*.

2.1.2, paragraph 2.

2.1.2 An Error in a Legal Descriptions:

...In the case of a legal description error in the subdivision name, lot, or phase, an affidavit may be used if the intent is clear such as a correct parcel number and the Grantor did not own the lot contained in the erroneous deed. An affidavit may be used for the misspelling of a subdivision name but not to change the entire subdivision. (NOTE: Do they own every lot or just one lot? How clear is the intent on the deed with the error?)

Page 16: [8] Commented [80]

Kirsten Shumway

2/12/2025 10:40:00 AM

Taken from 2.1.2, last sentence of paragraph 1.

2.1.2 An Error in a Legal Descriptions:

... The affidavit should contain the original description with the error and the corrected description so that the affidavit is abstracted to both locations.

Page 16: [9] Commented [81]

Kirsten Shumway

2/12/2025 10:38:00 AM

Taken from 2.1.2, last sentence of paragraph 1.

2.1.2 An Error in a Legal Descriptions:

... The affidavit should contain the original description with the error and the corrected description so that the affidavit is abstracted to both locations.

Page 16: [10] Commented [82]

Kirsten Shumway

2/12/2025 11:49:00 AM

Taken from: 2.1.4 An Error in Section Township or Range:

In the case of an error in the Section, Township, or Range with the remaining legal description matching the record legal description, an affidavit may be used to correct the error if the intent is clear such as a correct parcel number and the Grantor only owned the land described in the correct Section Township and Range.

Page 16: [11] Commented [83]

Kirsten Shumway

2/12/2025 11:50:00 AM

Taken from *Affidavit of Correction*.

2.1.5 An Error in the Point of Beginning:

In the case of an error in the calls establishing the point of beginning with the remaining legal description matching the record legal description, an affidavit may be used to correct the error if the intent is clear such as a correct parcel number and the Grantor only owned the land described with the correct point of beginning.

Page 17: [12] Commented [86]

Kirsten Shumway

2/12/2025 11:15:00 AM

Taken from *Affidavit of Correction*.

2.2 Errors Which Cannot Be Corrected By Affidavit: The following errors cannot be corrected by the recording of an Affidavit.

2.2.1 Names:

Grantee names, including when the name of a Trustee is omitted or vice versa. (Not allowed by UCA 57-3-106 (10) as it would divest the original grantee)

Page 17: [13] Commented [87]

Kirsten Shumway

2/12/2025 11:08:00 AM

Taken from *Affidavit of Correction*.

2.2 Errors Which Cannot Be Corrected By Affidavit: The following errors cannot be corrected by the recording of an Affidavit.

2.2.1 Names:

...Grantee Tenancy. (Not allowed by UCA 57-3-106 (10) as it would alter the interest. A new deed is required to change tenancy.)

Page 17: [14] Commented [89]

Kirsten Shumway

2/12/2025 11:10:00 AM

Taken from *Affidavit of Correction*.

2.2 Errors Which Cannot Be Corrected By Affidavit: The following errors cannot be corrected by the recording of an Affidavit.

2.2.1 Names:

...Grantor names, including when changing individual to trustee or vice versa, etc. (Not allowed by UCA 57-3-106 (10) as changing the grantor would return any interest conveyed by the original grantor of the document. A new deed is required.)

Page 17: [15] Commented [90]

Kirsten Shumway

2/12/2025 11:12:00 AM

Taken from *Affidavit of Correction*.

2.2 Errors Which Cannot Be Corrected By Affidavit: The following errors cannot be corrected by the recording of an Affidavit.

2.2.1 Names:

...Changing the entire grantor name or adding additional Grantor(s) names. (Not allowed by UCA 57-3-106 (10) as it would alter the interest)

Page 17: [16] Commented [91]

Kirsten Shumway

2/12/2025 11:12:00 AM

Taken from *Affidavit of Correction*.

2.2 Errors Which Cannot Be Corrected By Affidavit: The following errors cannot be corrected by the

recording of an Affidavit.

2.2.1 Names:

...Wrong Trust. This is considered as part of the grantee name. (Not allowed by UCA 57-3-106 (10) as it would divest the original grantee).

Page 17: [17] Commented [92]

Kirsten Shumway

2/12/2025 11:18:00 AM

Taken from *Affidavit of Correction*.

2.2.2 Legal Descriptions

Section, Township and Range omitted... not accepted when two or more of these are missing or omitted. (see section 4.3)

Page 17: [18] Commented [94]

Kirsten Shumway

2/12/2025 11:21:00 AM

Taken from *Affidavit of Correction*.

2.1.2 An Error in a Legal Descriptions, second paragraph:

An affidavit may be used for the misspelling of a subdivision name but not to change the entire subdivision.