

R255. County Recorder Standards, Administration.

R255-30. County Recorder Standards Rule.

R255-30-101. Purpose and Authority.

- (1) This rule is known as the “County Recorder Standards Rule.”
- (2) This rule is adopted by the County Recorder Standards Board under the authority of Subsection 63C-30-202(1)(a).
- (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.

R255-30-102. Definitions.

Terms used in this rule are defined in **Title 17, Chapter 71, County Recorder; 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.” is an abbreviation that means also known as.
- (2) “Acknowledgement” is a notarial act as defined in Subsection 46-1-2(1).
- (3) “Account number” as used in Subsection (31)(b) means a tracking number that may be used by an LRMS to identify a property but is not a TIN.
- (4) “Affidavit of correction” as used in Section R255-30-501 means a signed document containing a sworn statement recorded to correct an error or inaccurate information in a prior document of record.
- (5) “Blended notary method” as used in Section R255-30-308 means a notarized document that has both a wet signature and an electronic signature.
- (6) “Clerical error” as used in Subsections (21), R255-30-310(5), and R255-30-501(1) means a mistake made in a document that changes its meaning including a typographical error or the unintentional addition or omission of a word, phrase, number, or symbol.
- (7) “Completed Date” as used in Subsection R255-30-311(2) means the date posted in the county recorder's office used to show when all the information from the document has been entered and all the work on the document has been finished in the LRMS.
- (8) “Document” is defined in Subsections 57-1-1(2) and 17-71-601(2) and includes an instrument.
- (9) “Entity” means an association, company, or a similar organization that has legal rights and responsibilities including conveying or accepting conveyance of property.
- (10) “F.k.a.” as used in Subsections R255-30-303(3), R255-30-401(2)(b)(ii), R255-30-402(3)(b)(i)(B), and R255-30-403(2)(b)(ii) is an abbreviation that means formerly known as.
- (11) “Grantee” means an individual or entity to whom real estate is conveyed.
- (12) “Grantor” means an individual or entity who conveys or transfers real estate.
- (13) “Grantee line” means the portion of the document that contains the name of each grantee.
- (14) “Grantor line” means the portion of the document that contains the name of each grantor.
- (15) “Indexing Date” as used in Subsection R255-30-311(1) means the date posted in the county recorder's office used to show when the indexed information from the documents have been entered.
- (16) “Instrument” is a type of document as defined in Subsection (8).
- (17) “Jurat” is a notarial act that is defined in Subsection 46-1-2(10).
- (18) “Language clarifying” as used in Sections R255-30-401, R255-30-402, and R255-30-403 means a word or phrase added to eliminate confusion, ambiguity, and to ensure that the intended meaning is understood.
- (19) “LRMS” means the county’s land records management system database.
- (20) “Minor error” as used in Subsections (32)(c), R255-30-401(3)(a), R255-30-402(2)(a), and R255-30-501(3) means an error that may be corrected under Subsections 57-3-106(9) and (10).

Commented [AG1]: For this and other definitions, since the intro to this section says the definitions in specific titles/chapters apply - is it really necessary to include these? Have you just picked a few in particular that you want to be sure people know where to find the definition?

Commented [KS1R2]: Board can decide if they want to specifically include this in the rule.
From a drafting standpoint, it is fine to remove this definition as redundant since it falls under Title 46, Chapter 1, which is already referenced in the introduction paragraph.

Commented [AG2]: Same as above, but if you keep it 57-1-1(2) defines document as “every instrument in writing” so based on that definition applying, instrument is already included.

Commented [KS2R2]: Board can decide if they want to specifically include this definition in the rule.
From a drafting standpoint, it is fine to remove this definition as redundant since it falls under Title 57, Chapter 1, and Title 17, Chapter 71, which are already referenced in the introduction paragraph.

(21) “Omission” as used in Subsections (6), (32)(c), and R255-30-501(7)(a)(i) means a clerical error where 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) a missing parcel description in the original deed.

Commented [AG3]: Is this accurate since 32(c) says a typo is an omission of letters and numbers? Is it more accurate to say, “a clerical error where a word, letter, or number is missing in a document where the word, letter, or number is obviously needed...”

Commented [KS3R2]: For Committee/Board review. From a drafting standpoint, we could expand this definition.

(22)(a) “Parcel division” as used in Subsection R255-30-307(1) means a parcel that is divided into two or more parcels.

(b) “Parcel division” may also be called a parcel split.

(23) “Parcel combination” means two or more parcels are combined into a new parcel.

(24) “Parcel number” is the same as a tax identification number or TIN under Subsection (31)(a).

(25) “Personal information” as used in Subsection R255-30-502(2) is as defined in Subsection 17-71-101(4).

(26)(a) “Parcel identification number” or “PIN” as used in Subsection R255-30-306(2) 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) A “parcel identification number” or “PIN” may also be called:

(i) a parcel number as defined in Subsection (24);

(ii) an assessor’s identification number (AIN);

(iii) an assessor’s parcel number (APN); or

(iv) a tax identification number (TIN) as defined in Subsection (31)(a).

(27) “Record owner” means the individual, entity, or trust that has a recorded interest.

(28) “Remote online notarization” or “RON” as used in Section R255-30-308 means the process of remotely notarizing a document under Section 46-1-3.6.

(29) “Satisfactory evidence of identity” as used in Subsection R255-30-403(1)(b)(ii) is defined in Subsection 46-1-2(20).

(30) “Serial number” as used in Subsection (31)(a)(iii) is a tracking number that may also be the same as a TIN in the LRMS.

(31)(a) “Tax identification number,” “tax ID number,” or “TIN” means a unique number assigned by the recorder’s office to designate a specific parcel of land and may also be called:

(i) an assessor’s parcel number or APN;

(ii) a parcel number as defined in Subsection (24); or

(iii) a tax serial number.

(b) “Tax identification number” does not include an account number or tracking number that a LRMS automatically assigns.

(32) “Typographical error” or “typo” as used in Subsections (6) and R255-30-501(1) 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; or

(c) a minor error in transposition of letters in words of common knowledge or omissions of letters and numbers.

Commented [AG4]: Should be R255-30-403(1)(b)(ii)

Commented [KS4R2]: Fixed.

R255-30-301. 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 the document information in the LRMS.

R255-30-302. General Indexing Entry Procedures – Format.

(1) A county recorder shall enter:

(a) information in uppercase letters;

- (b) information exactly as it appears on the document subject to Subsection (2)(a);
- (c) a special character in a name if the LRMS allows;
- (d) an Arabic numeral or a Roman numeral exactly as it appears on the document subject to Subsection (2)(a);
- (e) the trustee's name before the name of the trust;
- (f) the grantee's address using 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.
- (2) 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.
- (3) 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
 - (b) a generational suffix title such as "Sr" or "Jr".
- (4) 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.
- (5) 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.
- (6) 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".

R255-30-303. 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 R255-30-302(2)(a).
- (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 an f.k.a. into the LRMS and mark the name as an a.k.a. or an f.k.a.

R255-30-304. 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 17-71-302(1)(b), the name of each grantor who:
 - (i) is listed in the grantor line;
 - (ii) is listed in the grantor signature block; and
 - (iii) signs in the grantor signature block;
 - (b) under Subsection 17-71-302(1)(c), the name of each grantee who:
 - (i) is listed in the grantee line;
 - (ii) is listed in the grantee signature block if provided; and
 - (iii) signs in the grantee signature block if provided; 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 signature block; and
- (iii) signs in the trustor signature block.

(2) A county recorder may not index the name of an individual, entity, or trust if 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.

R255-30-305. Indexing Misspelled 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 LRMS allows it, include a note 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:

- (i) include a note in the LRMS that the spelling is unclear in the original document; and
- (ii) index the correct name under Section R255-30-501.

R255-30-306. Tax Identification Number (TIN) on a Recorded Document.

(1) Under Subsection 17-71-402(5)(b)(ii), a TIN may be placed:

- (a) on the front of the document; or
- (b) in a conspicuous place near the description such as in the margins of the document.

(2) Where possible, the TIN shall be entered into the LRMS.

(3) Where a document contains multiple properties with a legal description:

- (a) the properties may be listed in sequential order;
- (b) the applicable 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; and
- (c) a range of TIN in the same sequential order may be used.

R255-30-307. Recording a Document – Tax Identification Number (TIN) Change.

(1) If a document presented for recording includes a new description that creates a parcel division or combines two or more parcels, the county recorder may:

- (a) assign a new TIN to each new parcel;
- (b) use a new TIN under Subsection (1)(a) when possible except under Subsection (2); and
- (c) include additional wording to the TIN indicating a change to the parcel’s size or shape as follows:

(i) if the document divides a parcel into two or more new parcels, language indicating that the new parcel was previously part of a specifically identified larger parcel such as “part of parcel X”; and

(ii) if the document combines two or more parcels, language specifying the TIN of each parcel being combined.

(2) A county recorder may accept a document that contains the previous legal description of a parcel if the document was created before the TIN changed.

R255-30-308. Recording a Document – Blended Notary Methods.

A county recorder may accept a document signed using blended notary if it meets the requirements of Section 46-1-3.6 and the following:

(1) for a document with a wet ink signature and a RON signature:

- (a) the document started as a paper copy;

- (b) a wet ink signature was applied to the paper document;
- (c) the paper document was properly notarized;
- (d) the paper copy was then converted into an electronic form; and
- (e) the electronic form has a RON signature and RON notary acknowledgment for each additional signature; or
- (2) for a document with a wet ink signature and a RON signature where counterparts were used:
 - (a) each paper copy counterpart has a wet signature and was properly notarized;
 - (b) each party signing electronically submits the party's RON signature and RON notarization;
 - (c) if there is more than one counterpart, the word "counterpart" is located at the top of the front page on the second and any subsequent counterpart;
 - (d) each of the signed counterpart signature documents match exactly; and
 - (e) each of the signed paper copy counterpart documents have been combined into one complete electronic document with each electronic RON counterpart.

R255-30-309. Real Property Held in Trust.

- (1) A county recorder may accept a document presented for recording of real property conveyed to a person 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 a person as trustee of a trust, a county recorder:
 - (a) shall enter the name of each trustee as record title holder; and
 - (b) for convenience, may show the name of the trust as owner in lieu of the name of the trustee or co-trustees on the county's:
 - (i) ownership plat records using the trust name only as a visual representation; and
 - (ii) tax role and index indicating 0% 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 in a 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 and may cite the specific trust provision governing the vacancy;
 - (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 another 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) each co-trustee on record title designates and authorizes a specific 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)(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.

R255-30-310. Index Corrections.

(1) If the name of a party as typed or written on more than one location on a document does not exactly match the party's signature, the county recorder shall index each name variation.

(2) If an individual submits a document to correct an error in a recorded document, a county recorder shall:

(a) index the corrected information in the LRMS when possible;

(b) mark the incorrect information in the LRMS as erroneous; and

(c) maintain the correct information and the erroneous information in the LRMS.

(3) If the LRMS allows, a county recorder shall create an additional index entry in the LRMS to index the corrected information and add the following information in the private comments or notes section of the additional entry:

(a) the reason for the change;

(b) the date the change was made; and

(c) where the change was made.

(4) A county recorder shall create additional policies to ensure the index corrections in the LRMS 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.

R255-30-311. Publicly Posting Dates for Recorded Documents.

A county recorder shall publicly post the following dates within a reasonable time after the document has been presented for recording:

(1) the indexing date as defined in Subsection R255-30-102(15); and

(2) the completed date as defined Subsection R255-30-102(7).

R255-30-401. Name Discrepancies – Grantor As Individual – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where:

(a) ~~the name of the individual as record owner in the LRMS is printed or typed exactly the same in the following sections of the document:~~

(i) the name of the record owner in the LRMS as the grantor is printed or typed exactly the same in the following sections of the document:

(A) the grantor line;

(B) the grantor signature block; and

(C) the notary acknowledgement or jurat; or

Commented [AG5]: are these two subsections meant to be nearly the same?

Commented [KS5R2]: We can remove the language in Subsection (1)(a) as shown here since it is redundant. Board should just verify that removing this is correct.

- (ii) a grantor executing the document has not signed exactly the way the grantor's name was printed or typed in the document; and
- (b) a grantor's name as printed or typed by the notary on the notary acknowledgement or jurat does not exactly match the grantor's name as typed or printed in the document but substantially uses one of the following formats:
- (i) "_____ (here insert grantor's name as typed or printed by notary) also known as (a.k.a.) _____ (here insert grantor's name exactly as printed or typed in the document)"; or
- (ii) "_____ (here insert grantor's name as typed or printed by notary) a.k.a. _____ (here insert grantor's name exactly as printed or typed in the document)".

(2)(a) Where a grantor is an individual whose name on a document does not exactly match the name of the record holder due to a change in the grantor's name, then the county recorder may accept the document where the grantor section:

- (i) exactly matches the current name of the grantor as printed or typed in the grantor signature block; and
- (ii) includes:
- (A) the current name of the grantor signing;
- (B) language clarifying the record holder grantor had a name change; and
- (C) the grantor's former name.

(b) A grantor section that substantially uses one of the following formats shall satisfy the requirements of Subsection (2)(a)(ii):

- (i) "_____ (here insert grantor's current name), grantor, formerly known as _____ (here insert grantor's former name)"; or
- (ii) "_____ (here insert grantor's current name), grantor, f.k.a. _____ (here insert grantor's former name)".

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

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

(b) A grantor section that substantially uses one of the following formats shall satisfy the requirements of Subsection (3)(a)(ii):

- (i) "_____, (here insert grantor's correct name), grantor, who acquired title as _____ (here insert grantor's name as it erroneously appeared in the previous document)"; or
- (ii) "_____, (here insert grantor's correct name), grantor, who erroneously acquired title as _____ (here insert grantor's name as it erroneously appeared in the previous document)".

R255-30-402. Name Discrepancies – Grantor is Entity – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where the name of the entity as record owner in the LRMS is printed or typed exactly the same in the following sections of the document:

Commented [AG6]: Formats?

Commented [KS6R2]: Fixed.

- _____ (a) the grantor line;
- _____ (b) the grantor signature block that also includes:
 - _____ (i) the name of the entity’s authorized representative; and
 - _____ (ii) the authorized representative’s title within the entity; and
 - _____ (c) the notary acknowledgement or jurat.
- _____ (2)(a) Where a grantor is an entity whose name on a document does not exactly match the name of the record holder entity due to a minor error in a previous document, then the county recorder may accept the document where the grantor section:
 - _____ (i) exactly matches the name of the correct grantor entity as printed or typed in the grantor signature block; and
 - _____ (ii) includes:
 - _____ (A) the correct name of the grantor entity;
 - _____ (B) language clarifying the correct grantor entity acquired title under an erroneous name in a previous document; and
 - _____ (C) the erroneous name of the grantor entity on the previous document.
 - _____ (b) A grantor entity section that substantially uses one of the following formats shall satisfy the requirements of Subsection (2)(a)(ii):
 - _____ (i) “_____ (here insert grantor entity’s correct name), grantor, that acquired title as _____ (here insert grantor entity’s name as it erroneously appeared in the previous document)”; or
 - _____ (ii) “_____ (here insert grantor entity’s correct name), grantor, that erroneously acquired title as _____ (here insert grantor entity’s name as it erroneously appeared in the previous document)”.
- _____ (3)(a) Where the grantor is an entity whose name on a document does not exactly match the name of the record holder due to a name change, merger, acquisition, or conversion, the county recorder may accept the document where the grantor section:
 - _____ (i) exactly matches the name of the grantor entity as printed or typed in the grantor signature block; and
 - _____ (ii) includes:
 - _____ (A) the current name of the grantor entity; and
 - _____ (B) language clarifying that the current entity acquired title due to a name change, merger, acquisition, or conversion.
 - _____ (b) A grantor entity section that substantially uses one of the following formats shall satisfy the requirements of Subsection (2)(a)(ii):
 - _____ (i) for a name change:
 - _____ (A) “_____ (here insert grantor entity’s current name), grantor, formerly known as _____ (here insert grantor entity’s record holder name)”; or
 - _____ (B) “_____ (here insert grantor entity’s current name), grantor, f.k.a. _____ (here insert grantor entity’s record holder name)”;
 - _____ (ii) for a merger:
 - _____ “_____ (here insert grantor entity’s current name), grantor, by merger of _____ (here insert grantor entity’s record holder name)”;
 - _____ (iii) for an acquisition:
 - _____ “_____ (here insert grantor entity’s current name), grantor, by acquisition of _____ (here insert grantor entity’s record holder name)”; or
 - _____ (iv) for a conversion:
 - _____ “_____ (here insert grantor entity’s current name), grantor, by conversion of _____ (here insert grantor entity’s record holder name”.

R255-30-403. Name Discrepancies – Grantor is Trust – Recording of Documents With Discrepancies Between Property Record Owner and the Grantor – Signature Line – Notary Acknowledgement or Jurat.

(1) A county recorder may accept a document presented for recording where:

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

(i) as record owner;

(ii) as trustee; and

(iii) in the notary acknowledgement or jurat; and

(b) meets one of the following requirements:

(i) 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 substantially uses one of the following formats:

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

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

(ii) an executing party trustee has not signed exactly the way the party's name is printed or typed in the document if the party presents satisfactory evidence of identity.

(2)(a) Where the grantor is a trust and the name of a trustee does not exactly match the name of the trustee of record due to a change in the trustee's name, the county recorder may accept the document where the current or correct name of the trustee:

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

(ii) includes:

(A) language clarifying that the trustee of record had a name change; and

(B) the trustee's former name.

(b) A grantor section that is substantially written in one of the following formats shall satisfy the requirements of Subsection (2)(a)(ii):

(i) “ (here insert trustee's current name), formerly known as (here insert trustee's former name), Trustee of the (here insert trust name) Trust, dated (here insert trust's execution date)”; or

(ii) “ (here insert trustee's current name), f.k.a. (here insert trustee's former name), Trustee of the (here insert trust name) Trust, dated (here insert trust's execution date)”.

(3)(a) Where the grantor is a trust and the name of a trustee does not exactly match the name of the trustee of record due to an error in the trustee's name in a previous document, the county recorder may accept the document where the current or correct name of the trustee:

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

(ii) includes:

(A) language clarifying that there was an error of the trustee's name in a previous document; and

(B) the trustee's former name.

(b) A grantor section that is substantially written in one of the following formats shall satisfy the requirements of Subsection (3)(a)(ii):

(i) “ (here insert trustee's correct name), who acquired title as (here insert trustee's erroneous name on the previous document), Trustee of the (here insert trust name) Trust, dated (here insert trust's execution date)”; or

(ii) “ (here insert trustee's correct name), who erroneously acquired title as (here insert trustee's erroneous name on the previous document), Trustee of the (here insert trust name) Trust, dated (here insert trust's execution date)”.

(4) Under Subsection 75B-2-814(3)(c), if the trust of record document is missing the date the trust was executed and the conveying document of record was recorded:

- (a) on or before May 11, 2010, then the county recorder may accept the document; or
- (b) after May 11, 2010, the county recorder shall reject the document and leave the grantor as the record owner on the document.

(5)(a) Where the grantor is a trust, the document may include an additional date for an amendment or restatement in the grantor section, grantor signature block, or notary section of the document.

(b) A document that substantially uses one of the following formats shall satisfy Subsection (5)(a):

- (i) where the trust has been amended:
“ (here insert trustee’s name) Trustee of the (here insert trust’s name) Trust, dated (here insert date of trust), amended (here insert date trust was amended)”; or
- (ii) where the trust has been restated:
“ (here insert trustee’s name) Trustee of the (here insert trust’s name) Trust, dated (here insert date of trust), restated (here insert date trust was restated)”.

R255-30-501. Affidavit of Correction.

(1) Under Subsections 57-3-106(9) and (10) and subject to Section 17-71-402, a county recorder shall accept an affidavit of correction submitted to correct minor typographical error or clerical error in a recorded document that meets the requirements of this section.

- (2) The affidavit of correction shall include a reference to:
- (a) the original recorded document; and
 - (b) the original recorded document’s recording information including:
 - (i) the recording date; and
 - (ii) one of the following:
 - (A) book and page number; or
 - (B) entry number.

(3) A county recorder shall accept an affidavit to correct a minor error including an affidavit to correct:

- (a) a date of trust that is:
 - (i) incorrect; or
 - (ii) omitted;
- (b) an error between the name of a grantor and the name of the record owner where there is:
 - (i) a misspelling of a name;
 - (ii) a conflict with an initial; or
 - (iii) another minor conflict;
- (c) an error in one of the following legal descriptions:
 - (i) an amended subdivision was not indicated;
 - (ii) a duplicate call in legal description;
 - (iii) a conflict between an Arabic and a Roman numeral;
 - (iv) a directional call, such as north, south, east, or west;
 - (v) a bearing;
 - (vi) a distance back to the point of beginning (POB); or
 - (vii) subject to Subsection (4):
 - (A) a lot;
 - (B) a phase; or
 - (C) a misspelling of a subdivision name except that it may not change the entire subdivision name;
- (d) a 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); or
- (iii) a missing initial;
- (e) an error in section, township, or range where the remaining legal description matches the record legal description; or
- (f) an error in a call establishing the point of beginning where the remaining legal description matches the record legal description.
- (4)(a) A county recorder shall accept an affidavit to correct a legal description error in the name of the lot or phase, or a misspelling of the subdivision name where:
 - (i) the intent is clear as to the correct legal description such as:
 - (A) the correct lot number; and
 - (B) the grantor did not own the lot that was described on the erroneous deed; and
 - (ii) in addition to the requirements of Subsection (2), 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 (4)(a)(ii).
- (5) A county recorder may accept an affidavit to correct an error in a section, township, or range that has an error in a call establishing the point of beginning where:
 - (a) the remaining legal description matches the record legal description; and
 - (b) the intent is clear as to the correct legal description as evidenced by the following:
 - (i) the correct TIN was listed on the document; and
 - (ii) the grantor only owned the land described with the correct point of beginning.
- (6) A county recorder may accept an affidavit to correct an error in a point of beginning that has an error in a call establishing the point of beginning where:
 - (a) the remaining legal description matches the record legal description; and
 - (b) the intent is clear as to the correct legal description:
 - (i) the correct TIN was listed on the document; and
 - (ii) the grantor only owned the land described with the correct point of beginning.
- (7) Under Subsection 57-3-106(10), a county recorder may not accept an affidavit of correction to correct the following:
 - (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; or
 - (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) the full name of a subdivision;
 - (d) wrong trust listed on document; or
 - (e) for a legal description:
 - (i) where at least two of the following are missing or omitted:
 - (A) section;
 - (B) township; or
 - (C) range;
 - (ii) where a call to arrive at point of beginning was omitted; or
 - (iii) where no point of beginning was established.

R255-30-502. Redaction of a 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 17-71-406, an individual may request that certain personal information be redacted or shielded from public view.

KEY: county recorder standards, county recorder standards board

Date of Last Change: 2026

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 63C-30-101; 63C-30-202; 17-71-306; 17-71-301