

STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODECHAPTER 820-7-1
PROCEDURES FOR ELECTRONIC RECORDING OF REAL PROPERTY RECORDS

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820-7-1-.01 Adoption Of Standards.

The Property Records Industry Association ("PRIA") standards version 2.4.1 and higher, on electronic document formatting and document data files are adopted by Alabama for the recording of real property records.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.02 Form And Method Of Transmission.

The judge of probate in each county shall have the ultimate authority to authorize persons or entities to electronically record property records (an "authorized filer"). The form and manner of transmission of property records for electronic recording shall be in accordance with these procedures in addition to any procedures established by each judge of probate in his or her sole discretion:

(a) An authorized filer should visually inspect each instrument prior to transmitting to ensure compliance with existing statutory recording requirements.

(b) Electronic submissions shall contain sufficient information to identify the authorized filer, to uniquely identify the instrument to be recorded, and any other information required by the judge of probate.

(c) Instruments transmitted electronically shall:

(1) provide fidelity to the original appearance of any instrument at the time such instrument was first created, whether by electronic or other means;

(2) retain the original content; and

(3) provide for a non-proprietary digital file format.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.03

Acceptance And Refusal Of Records.

The judge of probate in each county that accepts property records for electronic recording shall have the ultimate authority consistent with Alabama law to accept or reject documents which are submitted electronically for recording. The judge of probate shall not have any additional duties or responsibilities regarding the acceptance of records submitted electronically than those submitted in any other manner.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.04

Method Of Recording.

(1) The judge of probate in each county that accepts property records for electronic recording shall have the authority to determine the method(s) by which such records will be accepted so long as the method(s) chosen complies with the requirements and standards set forth by the Alabama Electronic Recording Commission.

(2) The acceptance of records for electronic recording shall be in addition to all other methods of document recording by the judge of probate required by Alabama law.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.05 Time Instrument Considered Recorded.

A document recorded electronically shall be recorded in the same order, preference, and manner as a document recorded in any other manner in accordance with Alabama law.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.06 Collection Of Fees.

The judge of probate in any county that accepts documents for electronic recording is authorized to accept required recording fees and taxes, including any authorized convenience or user fees, via an electronic medium and to contract with third-party vendor(s) for the collection and payment of said fees and taxes. The collection of fees and taxes must be reconciled in full at least daily.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.07 Archive And Record Requirements.

The judge of probate in each county will follow the records disposition authority and e-records best practices as established by the Local Government Records Commission.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.

820-7-1-.08 Bond Requirements.

Any vendor through which documents are being processed for electronic recording with the judge of probate shall be bonded in an amount sufficient to satisfy the fees and taxes of all documents which are being processed by said vendor. This amount shall be set by the judge of probate for each county in which the vendor does business. The amount of the bond shall be in the sole discretion of the judge of probate.

Author: Jean Brown

Statutory Authority: Code of Ala. 1975, §35-4-124(c).

History: New Rule: Filed October 29, 2012; effective December 3, 2012.