

SENATE BILL No. 167

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2.

Synopsis: Recording of documents. Removes a requirement that a document recorded or filed with the county recorder include a statement by the document preparer, affirming under the penalties for perjury, that the preparer has redacted each Social Security number in the document.

Effective: July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Civil Law.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 167



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-7.5-5, AS AMENDED BY P.L.171-2006,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 5. (a) An individual preparing a document for
4 recording or filing shall make the ~~affirmation and~~ statement required
5 by IC 36-2-11-15(c). ~~and IC 36-2-11-15(d).~~

6 SECTION 2. IC 36-2-11-15, AS AMENDED BY P.L.160-2007,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 15. (a) This section does not apply to:

- 9 (1) an instrument executed before July 1, 1959, or recorded before
10 July 26, 1967;
- 11 (2) a judgment, order, or writ of a court;
- 12 (3) a will or death certificate;
- 13 (4) an instrument executed or acknowledged outside Indiana; or
- 14 (5) a federal lien on real property or a federal tax lien on personal
15 property, as described in section 25 of this chapter.

16 (b) The recorder may receive for record or filing an instrument that
17 conveys, creates, encumbers, assigns, or otherwise disposes of an



- 1 interest in or lien on property only if:
- 2 (1) the name of the person and governmental agency, if any, that
- 3 prepared the instrument is printed, typewritten, stamped, or
- 4 signed in a legible manner at the conclusion of the instrument;
- 5 and
- 6 (2) all Social Security numbers in the document are redacted,
- 7 unless required by law.
- 8 (c) An instrument complies with subsection (b)(1) if it contains a
- 9 statement in the following form:
- 10 "This instrument was prepared by (name)."
- 11 ~~(d) An instrument complies with subsection (b)(2) if it contains a~~
- 12 ~~statement in the following form at the conclusion of the instrument and~~
- 13 ~~immediately preceding or following the statement required by~~
- 14 ~~subsection (b)(1):~~
- 15 ~~"I affirm, under the penalties for perjury, that I have taken~~
- 16 ~~reasonable care to redact each Social Security number in this~~
- 17 ~~document, unless required by law (name)."~~
- 18 SECTION 3. IC 36-2-11-25, AS AMENDED BY P.L.171-2006,
- 19 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 25. (a) This section applies to:
- 21 (1) a lien arising under Section 107 of the Comprehensive
- 22 Environmental Response, Compensation and Liability Act, 42
- 23 U.S.C. 9601 et seq. (commonly known as the Superfund Law);
- 24 and
- 25 (2) any other federal lien on real property or any federal tax lien
- 26 on personal property provided for in the statutes or regulations of
- 27 the United States.
- 28 In order for a lien covered by this section to be perfected, notice of the
- 29 lien must be filed in the office of the recorder of the county in which
- 30 the real or personal property subject to the lien is located.
- 31 (b) When a notice of a lien covered by this section is presented to
- 32 the recorder for filing, the recorder shall enter it appropriately in the
- 33 entry book and in the miscellaneous record. The entries made under
- 34 this subsection must show the date of filing, the book and page number
- 35 or instrument number, the name of the person named in the notice, a
- 36 legal description of the property, if appropriate, and any serial number
- 37 or other identifying number given in the notice.
- 38 (c) When a certificate of discharge of a federal lien covered by this
- 39 section is issued by the proper officer and presented for filing in the
- 40 office of the recorder of the county where the notice of lien was filed,
- 41 the recorder shall record the certificate of discharge as a release of the
- 42 lien. However, to be recorded under this subsection, the certificate

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- 1 must refer to the recorder's book and page number or instrument
2 number under which the lien was recorded.
- 3 (d) When recording a release of a lien under subsection (c), the
4 recorder shall inscribe, in the margin of each entry made to record the
5 lien under subsection (a), a reference to the place where the release is
6 recorded.
- 7 (e) Upon the recording of the certificate of discharge as a release
8 under subsection (c) and the inscribing of the references to the release
9 under subsection (d), a certificate of discharge of a lien covered by this
10 section operates as a full discharge and satisfaction of the lien, unless
11 the references to the release inscribed under subsection (d) specifically
12 note the release as a partial lien release.
- 13 (f) A federal lien on real property and a federal tax lien on personal
14 property are not subject to the:
- 15 (1) requirement to redact Social Security numbers as described in
16 IC 36-2-7.5-1.5; or
- 17 (2) requirements to include statements in a recorded or filed
18 instrument as described in section 15(c) ~~and 15(d)~~ of this chapter.

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