

IC 32-21-2

Chapter 2. Recording Process

IC 32-21-2-1

"Grantor" defined

Sec. 1. As used in this chapter, "grantor" has the meaning set forth in IC 32-17-1-1.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-2

"Tract" defined

Sec. 2. As used in this chapter, "tract" means an area of land that is:

- (1) under common fee simple ownership;
- (2) contained within a continuous border; and
- (3) a separately identified parcel for property tax purposes.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-3

Recording requirements; acknowledgment and proof; address of grantee

Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

- (1) acknowledged by the grantor; or
- (2) proved before a:
 - (A) judge;
 - (B) clerk of a court of record;
 - (C) county auditor;
 - (D) county recorder;
 - (E) notary public;
 - (F) mayor of a city in Indiana or any other state;
 - (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
 - (H) minister, charge d'affaires, or consul of the United States in any foreign country;
 - (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
 - (J) clerk-treasurer for a town; or
 - (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include the mailing address to which statements should be mailed under IC 6-1.1-22-8.1. If the mailing address for statements under IC 6-1.1-22-8.1 is not a street address or a rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address for statements mailed under IC 6-1.1-22-8.1. A conveyance complies with this subsection if it contains the address or addresses required by this

subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

As added by P.L.2-2002, SEC.6. Amended by P.L.135-2007, SEC.1; P.L.194-2007, SEC.7; P.L.143-2009, SEC.42.

IC 32-21-2-4

Acknowledgment in another county

Sec. 4. (a) This section applies when a conveyance, mortgage, or other instrument that is required to be recorded is acknowledged in any county in Indiana other than the county in which the instrument is required to be recorded.

(b) The acknowledgment must be:

- (1) certified by the clerk of the circuit court of the county in which the officer resides; and
- (2) attested by the seal of that court.

However, an acknowledgment before an officer having an official seal, if the acknowledgment is attested by that official seal, is sufficient without a certificate.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-5

Acknowledgment in another state

Sec. 5. To record in Indiana a conveyance that is acknowledged outside Indiana but within the United States, the conveyance must be:

- (1) certified by the clerk of any court of record of the county in which the officer receiving the acknowledgment resides; and
- (2) attested by the seal of that court.

However, an acknowledgment before an officer having an official seal that is attested by the officer's official seal is sufficient without a certificate.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-6

Proving deeds

Sec. 6. A deed may be proved according to the rules of common law before any officer who is authorized to take acknowledgments. A deed that is proved in the manner provided in this section is entitled to be recorded.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-7

Acknowledgment of deed or mortgage; form

Sec. 7. The following or any other form substantially the same is a good or sufficient form of acknowledgment of a deed or mortgage:

"Before me, E.F. (judge or justice, as the case may be) this _____ day of _____, A.B. acknowledged the execution of the annexed deed, (or mortgage, as the case may be.)"

As added by P.L.2-2002, SEC.6.

IC 32-21-2-8

Duty of officer to explain deed to grantor

Sec. 8. (a) If before a public officer authorized to receive acknowledgment of deeds:

- (1) the grantor of a deed intends to sign the deed with the grantor's mark; and
- (2) in all other cases when the public officer has good cause to believe that the contents and purport of the deed are not fully known to the grantor;

it is the duty of the public officer before signature to fully explain to the grantor the contents and purport of the deed.

(b) The failure of the public officer to comply with subsection (a) does not affect the validity of a deed.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-9

Certificate of acknowledgment; attaching to instrument; contents

Sec. 9. A certificate of the acknowledgment of a conveyance or other instrument in writing that is required to be recorded, signed, and sealed by the officer taking the acknowledgment shall be written on or attached to the deed. When by law the certificate of the clerk of the proper county is required to accompany the acknowledgment, the certificate shall state that:

- (1) the officer before whom the acknowledgment was taken was, at the time of the acknowledgment, acting lawfully; and
- (2) the clerk's signature to the certificate of acknowledgment is genuine.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-10

Recorder of deeds; keeping book; recording time

Sec. 10. A recorder of deeds shall keep a book having each page divided into five (5) columns that are headed as follows:

Date of Reception.	Names of Grantors.	Names of Grantees.	Description of Land.	Vol. and Page Where Recorded.
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The recorder shall enter in this book all deeds and other instruments left with the recorder to be recorded. The recorder shall note in the first column the day and hour of receiving the deed or instrument and shall note the other particulars in the appropriate columns. A deed or instrument is considered recorded at the time the date of reception is noted by the recorder.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-11

Certificate of acknowledgment; recording with deed or instrument

Sec. 11. (a) This section applies to a conveyance or other instrument entitled by law to be recorded.

(b) The recorder of the county in which the land included in a conveyance or other instrument is situated shall record the deed or other instrument together with the requisite certificate of

acknowledgment or proof endorsed on the deed or other instrument or annexed to the deed or other instrument.

(c) Unless a certificate of acknowledgment is recorded with a deed, the record of the conveyance or other instrument or a transcript may not be read or received in evidence.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-12

Certificate of acknowledgment or record; conclusiveness

Sec. 12. The:

- (1) certificate of the acknowledgment of a conveyance or instrument of writing;
- (2) the record; or
- (3) the transcript of the record;

is not conclusive and may be rebutted and the force and effect of it contested by a party affected by the conveyance or instrument.

As added by P.L.2-2002, SEC.6.

IC 32-21-2-13

Conveyances dividing single property tax tracts into multiple parcels; requirements for recording

Sec. 13. (a) Except as provided in subsection (c), if the auditor of the county or the township assessor (if any) under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor or township assessor is furnished a drawing or other reliable evidence of the following:

- (1) The number of acres in each new tax parcel being created.
- (2) The existence or absence of improvements on each new tax parcel being created.
- (3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

(c) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

As added by P.L.2-2002, SEC.6. Amended by P.L.219-2007, SEC.100; P.L.146-2008, SEC.673.