



# STATE OF INDIANA

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Thomas R. Krueckeberg  
313 W. Jefferson St., Ste. 240  
Decatur, IN 46733

**RE: 22-INF-5: County Recorders Fees**

Dear Mr. Krueckeberg,

This informal opinion examines the fees charged by Indiana county records and their intersection with public access.

Specifically, you inquire as to the charges able to be levied against those seeking copies of recorded instruments.

## 1. Recorders fees

Typically, fees for copies for access to public records must follow the fee schedule set by the Access to Public Records Act (APRA)<sup>1</sup>. The APRA fee schedule is minimal amount meant for public agencies to recoup the costs of reproducing documents.

County recorders, however, have a different statute governing those fees. Notably, the APRA defers to alternative statutes:

...a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

Ind. Code § 5-14-3-8(f). The statute at play here can be found at Indiana Code section 36-2-7-10(b):

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<sup>1</sup> Ind. Code § 5-14-3-8

The county recorder **shall charge and collect** the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

Emphasis added. By the General Assembly's use of the word "shall", it is implied that the fee is mandatory to requesters and recorders can require payment up front before the records are released.

The remainder of this section prescribes the manner and amount of which can be charged.

Point being is that recorders are indeed treated differently than other county offices insofar as fees are concerned<sup>2</sup>. Payment of these fees can be required in advance of the production of documents<sup>3</sup> and they will generally exceed the amounts allowable by the APRA.

Please do not hesitate to contact me with any questions.

Best regards,



Luke H. Britt  
Public Access Counselor

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<sup>2</sup> Clerks of court being the other major exception when charging for court records. See Ind. Code § 33-37-5-1

<sup>3</sup> *State v. Chicago & E. I. R. Co.*, 43 N.E. 226 (1896)