

# There & Back Again...

*PRIA Annual Conference*

*Memphis, TN*

*August 30, 2012*



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# There & Back Again...

- Exploring the lifecycle of an electronic recording
  - It's not that different from a traditional paper recording

# There & Back Again...

- Demystifying the process
  - Think of eRecording as eDelivery
  - Recorders still control recordability
  - Recording & indexing still done in Recorder's land records management system

# There & Back Again...

- When a recordable document is needed:
  - Submitters use their document preparation system to create the document
  - Depending on the system and state law, it could be any model of eRecording

# There & Back Again...

- If it's a paper document:
  - Document is printed
  - Parties ink-sign
  - Notary ink-signs & seals
  - Executed document is scanned

# There & Back Again...

- If it's an electronic document:
  - eDocument is generated by submitter
  - Parties electronically sign
  - Notary electronically signs & affixes an electronic seal (if required)
  - Image of executed document is generated

# There & Back Again...

- Document preparer hands electronic document to eRecording vendor:
  - Integration of submitter system and eRecording vendor system was completed and tested in advance
  - Just like handing a paper document to a courier service

# There & Back Again...

- Key item to remember:
  - eRecording vendor does not prepare document content
    - Electronic systems can facilitate some quality assurance checks prior to delivery



# There & Back Again...

- eRecording vendor routes document to the land records management system:
  - Integration between eRecording vendor and LRMS vendor was completed and tested in advance
  - Electronic document is presented to Recorder in the LRMS software

# There & Back Again...

- Recorder reviews document for recordability:
  - Using the same LRMS software, Recorder checks documents for all items determining recordability
  - If document is recordable, recording endorsement is affixed;
    - Otherwise, a rejection reason is returned to submitter

# There & Back Again...

- Who indexes the document in the LRMS software?
  - Various approaches:
    - Use data provided by submitter as initial entry - recording staff is second verifier
    - Only use data provided to confirm correct image - recording staff does all data entry
    - Rely completely on data provided by submitter - "lights out"

# There & Back Again...

- Electronic document is returned to submitter:
  - Recording endorsement has been added to first page, or -
  - Rejection reason is provided

# There & Back Again...

- Key items to remember:
  - Recorder determines recordability
    - Not eRecording vendor
    - Not LRMS vendor
  - LRMS software coordinates race-to-record

# There & Back Again...

- What about fee payment?
  - Majority of jurisdictions use ACH
    - Money is available quicker than checks
    - eR vendors provide reconciliation reports
    - No more endorsing stacks of checks

# There & Back Again...

- But we have a conveyance tax:
  - Documents can be routed through other county or state offices
  - Fees can be split between agencies
  - Large fees can be transferred by wire for additional assurance

# There & Back Again...

- Is this legally enforceable?
  - UETA, ESIGN & URPERA provide legal foundation for electronic documents and signatures
    - All legal challenges have upheld validity of electronic transactions



# There & Back Again...

- What about “originality”?
  - UETA places that burden on the relying parties
    - Contractual obligations
    - What does “This indenture” mean?
    - How were “copies” made prior to today’s mechanical & digital processes?
    - “It’s the Message, Not the Media”

# There & Back Again...

- Arriving back at The Shire:
  - The process isn't much different
    - Efficiencies and improvements can be realized
  - The legal basis is established
  - Over 800 adventurous Hobbits have blazed a well worn trail

# eMortgages and eRecording

- Today eMortgages are a hybrid of paper and electronic
- In the future, all documents will be electronic
- In the meantime, eRecording supports both models

# MISMO SMART Docs

- Supporting electronic Security Instruments
- Prepare SMART Doc instruments so that they are eRecordable
- Upload or Transmit SMART Doc instruments to the various eClosing platforms
- Execute SMART Doc instruments on the various eClosing platforms
- Deliver SMART Doc instruments electronically from eClosing platforms to the various eRecording applications and systems in the public land records' offices
- eRecord SMART Document™ instruments and
- Return eRecorded SMART Document™ instruments to eClosing platforms

# MISMO eMortgage Project

- Currently the MISMO eMortgage workgroup is developing data mappings for the Uniform Security Instruments as defined by Fannie Mae and Freddie Mac ( Form Numbers 3001- 3054)
- Includes both Deeds and Mortgages

# Mortgages

- 3001 ALABAMA
- 3004 ARKANSAS
- 3008 DELAWARE
- 3010 FLORIDA
- 3012 HAWAII
- 3014 ILLINOIS
- 3015 INDIANA
- 3016 IOWA
- 3017 KANSAS
- 3018 KENTUCKY
- 3019 LOUISIANA
- 3020 MAINE
- 3022 MASSACHUSETTS
- 3023 MICHIGAN
- 3024 MINNESOTA
- 3030 NEW HAMPSHIRE
- 3031 NEW JERSEY
- 3032 NEW MEXICO
- 3033 NEW YORK
- NORTH DAKOTA
- 3036 OHIO
- 3037 OKLAHOMA
- 3039 PENNSYLVANIA
- 3040 RHODE ISLAND
- 3041 SOUTH CAROLINA
- 3042 SOUTH DAKOTA
- 3046 VERMONT
- 3050 WISCONSIN
- 3051 WYOMING
- 3052 GUAM
- 3054 VIRGIN ISLANDS

# Deeds

- 3002 ALASKA
- 3003 ARIZONA
- 3005 CALIFORNIA
- 3007 CONNECTICUT
- 3006 COLORADO
- 3009 DISTRICT OF COLUMBIA
- 3011 GEORGIA
- 3013 IDAHO
- 3021 MARYLAND
- 3025 MISSISSIPPI
- 3026 MISSOURI
- 3027 MONTANA
- 3028 NEBRASKA
- 3029 NEVADA
- 3034 NORTH CAROLINA
- 3038 OREGON
- 3043 TENNESSEE
- 3044 TEXAS
- 3045 UTAH
- 3047 VIRGINIA
- 3048 WASHINGTON
- 3049 WEST VIRGINIA

# Mapping

- The fields are listed in the order in which they appear on the individual forms
- The mapping has been separated into the types of security instrument where
  - Deed mapping includes Deeds, Security Deeds and Deeds of Trust
  - Mortgage mapping covers mortgages
- Keyed data fields are identified on paper forms
- MISMO/PRIA data definitions are matched on a field by field basis



# Fields

After Recording Return To:

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→ → → → → ॥  
→ → → → → ॥  
→ → → → → ॥  
→ → → → → ॥  
→ → → → → ॥

RETURN TO NAME  
AND ADDRESS

[Space Above This Line For Recording Data]

## MORTGAGE

### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated \_\_\_\_\_, together with all Riders to this document.

(B) "Borrower" is \_\_\_\_\_; Borrower is the mortgagor under this Security Instrument.

DATE

BORROWER  
NAME(S)



# The Process, continued

- Once the MISMO data point has been reconciled, create Xpath
- Xpaths are maintained in as an implementation guide chapter
- Sample documents using the mapping are generated

# Example: Return To Name

Form #	Fld #	Field Description	Field Comment	XML Tag
3001 ALABAMA 3004 ARKANSAS 3008 DELAWARE 3010 FLORIDA 3012 HAWAII 3014 ILLINOIS 3015 INDIANA 3016 IOWA 3017 KANSAS 3018 KENTUCKY 3019 LOUISIANA 3020 MAINE 3022 MASSACHUSETTS 3023 MICHIGAN 3024 MINNESOTA 3030 NEW HAMPSHIRE 3031 NEW JERSEY 3032 NEW MEXICO 3033 NEW YORK 3035 NORTH DAKOTA 3036 OHIO 3037 OKLAHOMA 3039 PENNSYLVANIA 3040 RHODE ISLAND 3041 SOUTH CAROLINA 3042 SOUTH DAKOTA 3046 VERMONT 3050 WISCONSIN 3051 WYOMING 3052 GUAM 3054 VIRGIN ISLANDS	1 Space Above This Line For Recording Data	Recording requested by party name	Appears at very top left of form's first page	//RECORDABLE_DOCUMENT/_RETURN_TO_PARTY/@_UnparsedName

  

After Recording Return To: → → → → →

→ → → → →

→ → → → →

→

→

→

[Space Above This Line For Recording Data]

**MORTGAGE**

→

**DEFINITIONS**

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# Example: Document Date

Form #	Fld #	Field Description	Field Comment	XML Tag
3001 ALABAMA 3004 ARKANSAS 3008 DELAWARE 3010 FLORIDA 3012 HAWAII 3014 ILLINOIS 3015 INDIANA 3016 IOWA 3017 KANSAS 3018 KENTUCKY 3019 LOUISIANA 3020 MAINE 3022 MASSACHUSETTS 3023 MICHIGAN 3024 MINNESOTA 3030 NEW HAMPSHIRE 3031 NEW JERSEY 3032 NEW MEXICO 3033 NEW YORK 3035 NORTH DAKOTA 3036 OHIO 3037 OKLAHOMA 3039 PENNSYLVANIA 3040 RHODE ISLAND 3041 SOUTH CAROLINA 3042 SOUTH DAKOTA 3046 VERMONT 3050 WISCONSIN 3051 WYOMING 3052 GUAM 3054 VIRGIN ISLANDS	5 Definition A	Execution date of this security instrument		//EXECUTION/@_Date

After Recording Return To: → → → → →

\_\_\_\_\_ → → → → →

\_\_\_\_\_ →

\_\_\_\_\_

\_\_\_\_\_

[Space Above This Line For Recording Data]

**MORTGAGE**

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(B) "Borrower" is \_\_\_\_\_. Borrower is the mortgagor under this Security Instrument.



# Thanks! Now Ask Us Anything!

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