

## Document Return Requirements

Does your state have a statutory requirement to return documents to the submitter? In the absence of specific statute requiring the return of recorded documents, is there a requirement for a “return to” statement on the documents sent for recording (thus implying the document will be returned)?

Answers gathered July 2010

State	Statutory Citation	Summary	Yes	No
Alabama	No specific reference			X
Alaska				
Arizona	No specific reference	There is a statement on most documents “when recorded return to.” It is not required to be filled out unless we have to physically mail the documents. We ask for the address. If it is not given, then we hold the document for 1 month, after which we destroy it if not claimed.		X
Arkansas				
California	Government Code 27321	The recorder shall endorse upon each instrument the identification number or book and page where it is recorded, and shall thereafter mail, or if specified to the contrary deliver, it to the person named in the instrument for return mail, and if no such person is named, to the party leaving it for record.	X	
Connecticut				
Delaware				
District of Columbia				

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Florida	None	<ul style="list-style-type: none"> <li>• No requirement in law to return documents; only customary practice.</li> <li>• §695.26 requires only a “prepared by” statement, not a “return to” statement.</li> <li>• Believe FL may be 1 of only 7 states without a “return to” requirement on documents to be recorded.</li> </ul>		X
Georgia				
Hawaii				
Idaho	Idaho Code Section 31-2411	After recording the recorder “... must thereafter deliver it (recorded document) upon request to the party leaving the same for record...”	X	
Illinois				
Indiana				
Iowa	331.606B (eff. 7/1/2005)	<p>2. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording shall contain the following information on the first page below the three-inch margin:</p> <ul style="list-style-type: none"> <li>a. The name, address, and telephone number of the individual who prepared the document.</li> <li>c. A return address.</li> </ul>	X	
Kansas				

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<b>Kentucky</b>	KRS 382.240. <a href="http://www.lrc.ky.gov/KRS/382-00/240.PDF">http://www.lrc.ky.gov/KRS/382-00/240.PDF</a>	Each instrument that is recorded shall be delivered to the party entitled thereto. The county clerk shall require prepayment of postage for delivery of said instruments at the time they are left for record in his office. If the county clerk is unable to locate the parties entitled thereto, he shall retain the instruments for at least two (2) years. The clerk may then destroy the instruments provided that he shall first make the following announcement by public notice in the newspaper of the largest circulation in the county: "Legal instruments which have been filed for record in the (name of county) county clerk's office and which have been in the custody of the clerk for over two (2) years must be claimed by the persons entitled thereto within thirty (30) days, or they shall be destroyed." The date of the notice and the name of the clerk shall be appended to the notice. Thirty (30) days after the appearance of the public notice, the county clerk may destroy the instruments.	X	
<b>Louisiana</b>				
<b>Maine</b>				
<b>Maryland</b>				
<b>Massachusetts</b>	No specific reference	No statutory or other provision to return mail.		X

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<b>Michigan</b>	§565.201(a)  §565.491	<ul style="list-style-type: none"> <li>• No statutory directive to “return” documents; done by custom.</li> <li>• Drafter’s name and address required to record.</li> <li>• May not deliver unrecorded documents which were left for recording to parties or permit record to be taken from office until recorded.</li> </ul>		X
<b>Minnesota</b>	357.182, 2009 Minnesota Statutes (Subd. 3 - return document requirement)	Each county recorder and registrar of titles shall, within 15 business days after any instrument in recordable form accompanied by payment of applicable fees by customary means is delivered to the county for recording or is otherwise received by the county recorder or registrar of titles for that purpose, record and index the instrument in the manner provided by law and return it by regular mail or in person to the person identified in the instrument for that purpose, if the instrument does not require certification of no-delinquent taxes, payment of state deed tax, mortgage registry tax, or conservation fee. Each county must establish a policy for the timely handling of instruments that require certification of no-delinquent taxes, payment of state deed tax, mortgage registry tax, or conservation fee and that policy may allow up to an additional five business days at the request of the office or offices responsible to complete the payment and certification process.	X	
<b>Mississippi</b>				

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Missouri				
Montana				
Nebraska	None			X
Nevada	Nevada Revised Statue 247.110 (d)	(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.	X	
New Hampshire	NH RSA 478.5	<ul style="list-style-type: none"> <li>• Requires recorder to retain name of the person document was returned to. (Note: Return to person is often different than submitter.)</li> <li>• No statutory requirement to have a “return to” on the document.</li> <li>• We do request that the name and return address be in the upper left-hand corner of first page.</li> </ul>	X	
New Jersey	NJSA 46:19-5	The county recording officer of each county shall certify on or under each deed, conveyance or instrument mentioned in section 46:19-1 of this title delivered to him for record, the day of the month and year when he received it, and the name or number of the book and page or pages in which it is recorded, and shall, when recorded, deliver it to the party entitled to it, or his order.	X	
New Mexico				

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<b>New York</b>	No specific reference			X
<b>North Carolina</b>				
<b>North Dakota</b>	NDCC 11-18-10.7	The name of the person to whom the instrument was returned.	X	
<b>Ohio</b>	None	Policy only that originals are returned to the filer, by providing a method of return such as postage or pre-paid envelopes for the cost of postage; some are signed out by the filer after processing. I do not believe there is a code that requires a return to clause.		X
<b>Oklahoma</b>	No specific reference			X

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<b>Oregon</b>	3 statutes govern: 205.180(4)	(4) After such instrument has been recorded the county clerk shall return it to the person who recorded or is authorized to receive the same, writing the name of the person to whom it is delivered in the record.		
	205.234(1)(c)	(1)(c) The person and address (for mailing purposes only) to whom the instrument will be delivered as provided in ORS 205.180;		
	205.238	205.238 Return of instrument after recordation. In every county, the county clerk shall return any instrument presented for recording to the person authorized to receive the instrument. The county clerk shall return the instrument by personally delivering or mailing the instrument not later than the 10th business day, not counting days on which the recording office is closed, after the date of recordation. [1991 c.230 §6]  <b>Note:</b> Some counties return each individual document to the person listed on the documents; other counties have interpreted the statutes to return documents to the title company that presented the document for recording.	X	

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<b>Pennsylvania</b>	No specific reference	Many of the Counties in PA have adopted PRIA standards which includes submitted by - return to. There is no specific statute that requires it. In fact we have very old original documents that were never picked-up or, when returned to the "return to" address, were returned to us because the address was incorrect.		X
<b>Rhode Island</b>				
<b>South Carolina</b>				
<b>South Dakota</b>				
<b>Tennessee</b>				

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<b>Texas</b>	Tex. Local Gov't Code §193.001	Last sentence of 193.001 = After recording the instrument, the clerk shall deliver the instrument to the person who is entitled to it.	X	
	Tex. Local Gov't Code §A193.012	RETURN OF ORIGINAL INSTRUMENTS. After an original instrument that is not involved in or related to a court matter or proceeding has been microfilmed and the microfilm has satisfied the requirements of Chapter 204 and rules adopted under that chapter, the county clerk shall return the original instrument to the person who filed it for record. Added by Acts 1989, 71st Leg., ch. 1248, Sec. 58, eff. Sept. 1, 1989.		
	Tex. Prop. Code §11.003 (2010)	§ 11.003 Grantee's Address (a) An instrument executed after December 31, 1981, conveying an interest in real property may not be recorded unless: (1) a mailing address of each grantee appears in the instrument or in a separate writing signed by the grantor or grantee and attached to the instrument;		
<b>Utah</b>	UTAH CODE 17-21-12 and 17-21-3	17-21-12(4) Subject to Section 17-21-3, the county recorder shall return the document to the person that the recorder considers appropriate.	X	
<b>Vermont</b>				
<b>Virginia</b>				

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<b>Washington</b>	RCW 65.4.045(1b)  RCW 65.04.090	<p>The top left-hand side of the first page shall contain the name and address to whom the instrument will be returned.</p> <p>The recording officer must also endorse upon such an instrument, paper, or notice, the time when and the book and page in which it is recorded, and must thereafter either electronically transmit or deliver it to the party leaving the same for record or to the address on the face of the document.</p> <p>A change was made to state law in 2003 that gives the recorders the option of returning the document to the presenter or mailing the document to the address shown on the first page under "Return to." In general, most Washington counties physically hand back documents to presenters who bundle (title companies, processing houses, trustees) and mail back to the return address those documents submitted by a single presenter (individuals, individual mailings from banks).</p> <p>There is still some ambiguity in other sections of state law. When the change was made in 2003, the drafters were not aware that the other sections also needed to be modified. We are currently working to draft a bill that that will harmonize all references in state law.</p>	X	

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West Virginia				
Wisconsin	Wisconsin Statute 59.43(1)(g)	Safely keep and return to the party entitled thereto, on demand within a reasonable time, every instrument that is left with the register for record not required by law to be kept in the register's office.	X	
Wyoming				
<b>TOTALS</b>			<b>14</b>	<b>10</b>

Unknown of 51 (50 States+ DC) 27