Property Records Industry Association

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PRIA POSITION PAPER: e-Document Index Data

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PRIA POSITION PAPER:
e-Document Index Data

Introduction

Land records documents have now been electronically submitted and recorded for over ten years in the United States representing millions of successful eRecording transactions. Such volumes have resulted in the accumulation of valuable industry experience from which e-processing improvements continue to be made. Submitted data intended for the generation of *document indexes* is one area that continues to receive much attention. The purpose of this Position Paper is to examine the current practices regarding submitted index data and to make recommendations that will improve the eRecording experience for both document submitters and recording jurisdictions.

Background

Without question the generation and maintenance of complete and accurate indexes is essential to every recording office and title plant. Per the late Carl Ernst, of Ernst Publishing Co, LLC, "the mission of a recording office with respect to real property transactions is to provide a trustworthy place where instruments and notices concerning ownership of and encumbrances against real property **can be located** …"[1] Indexes are the location pathways to those records. Moreover, success in locating documents quickly and accurately is directly measureable by the **quality** of the indexes that lead searchers to them. The PRIA document "*Indexing of Grantor/Grantee Names by Land Recording Offices*" identifies seven indexing objectives:

1. Timeliness
2. Accuracy
3. Completeness
4. Consistency
5. Accessibility
6. Ease of Use
7. Readability

That white paper puts forward extensive and well developed rules for keying, entry processing, data normalization, and search processing to help assure that these objectives are achieved. The rules are appropriate for all name, tract, or others indexes that recording offices are required to propagate and maintain. Those responsible are advised to familiarize their offices and constituents with this important document.

Current Practices: The Issue of Index Data Accuracy

There are 3,600+ recording jurisdictions in the United States. Each office maintains its indexes according to a set of rules and practices that have evolved since the inception of its

[1] Property Records Industry Joint Task Force. "Indexing of Grantor/Grantee Names By Land Recording Offices." 2001. Page 3.

recording system: manual and automated. These conventions define, for example, how abbreviations, punctuation, special characters, capitalization, etc., are to be handled when the indexes are entered and searched. Responsibility for following these rules has always been on the recording staff. As a result, effective construction and maintenance of the indexes *per individual office standards* were relatively easy to achieve.

eRecording however introduces the potential for deviation from those specific and often unique indexing rules. Depending on terms and conditions specified in the trusted submitter agreement (or similar document), one or more index fields appropriate to the document being recorded are required to be passed via the document XML file from the submitter's delivery system to the recorder's receiving system. Given the ever growing number of e-submitters, it is not unusual to expect that a larger recording jurisdiction may receive eRecording documents from several hundred original submitters. Additionally, as the number of eRecording jurisdictions continues to grow, large submitters are creating documents for hundreds of jurisdictions, each with a unique set of indexing rules.

Given these numbers, it is unrealistic for recording jurisdictions to attempt to pass the responsibility for maintaining its individualized indexing rules to the document submitter. If a recording office permits the submitted index data to be electronically passed to the indexing system without staff review, then the consistency of its indexes will eventually be compromised.

Current Practices: the Issue of Submission Acceptance

As the viability of eRecording began to emerge, it was commonly held that the "grail of electronic recording—to accept a recording without human intervention—[could not] be attained without electronic indexing."[2] The proverbial "lights-out" processing argued for the cost effectiveness and enormous time savings this new technology would provide all stakeholders. Time studies repeatedly demonstrated that the eRecording return on investment (ROI) was easily measured and quickly attained. However, as in the case of index data integrity, a dozen years of eRecording has shed a more realistic light on this belief. Again, the agreements among submitters, aggregators, and recorders vary widely as to index requirements. Some recorders will accept an eRecording with only one or two name index submissions. Others require all grantor/grantees found in the document to be included in the submitted index. Some will accept a slight misspelling, others will not. In some states, short legal descriptions and/or parcel IDs must be included, and again accuracy tolerances vary greatly.

In 2011 eRecording jurisdictions were surveyed to assess in-place indexing practices. Shortly thereafter a PRIA conference session was held to review those survey results and further examine current thinking and procedures surrounding acceptance of e-submitted index data. The clear consensus between the survey responders and the conference attendees was that submitted index data is not accurate or complete enough to

[2] Id. at 33.

automatically be placed into the recorders index. The majority of the recorders polled have learned that the only way to assure the integrity of their indexes is to maintain quality control review internally. Submitted index data is used to validate that the document data matches the associated image(s). Submitted index data may be used as the first form of data entry, but in order to maintain consistent application of a jurisdiction's indexing standards, this data needs to be reviewed by office staff trained in the details of those rules.

Position Statements

In summary, ten years of eRecording has taught us that submission requirements vary significantly among eRecording jurisdictions in terms of both completeness and accuracy tolerance. Additionally, the wide variety of indexing rules across these jurisdictions makes it extremely difficult for the multitude of submitters to conform to each rule set specifically. Given the current state of the art, the following guidelines are therefore recommended.

[1] Building and maintaining document indexes is the responsibility of the recording jurisdictions. It is unrealistic to assume that the internal staff expertise in these offices can be faithfully duplicated by each originator.

[2] The recording jurisdictions require only the minimum amount of index data necessary to validate that the submitted document data and associated image(s) match.

[3] The recording jurisdictions set a reasonable tolerance level for accuracy of index data allowing for slight misspellings, punctuation variances, abbreviations, etc.

Clearly these positions defy the lights-out grail of eRecording, and invalidate some of the overly optimistic eRecording time study promises. Nonetheless, some human intervention in the building of the final indexes assures that the mission of providing public notice to land records documents is preserved accurately and completely. And, even with some manual intervention, eRecordings are orders of magnitude faster than paper processing. Finally, PRIA strongly recommends that the submitter, aggregator and eRecording software vendors work together to develop and refine technologies that will aid in the automation of index creation.