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Best Practices for Certifying Copies for Land Records

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<http://www.pria.us>

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Introduction

It is widely accepted across the United States that government offices generate certified copies of documents in their custody for a variety of purposes.

This paper focuses on best practices for certified copies of land records. PRIA acknowledges that there may be additional and different issues related to certifying documents which are contained in other government offices. PRIA does not have the appropriate expertise to opine on what those best practices might include. Thus, the limitation of this paper to recorded documents.

Usually a certified copy is accepted as a true and accurate representation of the document on file with the custodian. There are indications in state statutes that a certified copy is as effective as the original.

An initial review of state statutes reveals that there are no definitions for certified copy content, only language that the custodian issues the certified copies and collects the fees that are allowed to be charged for these copies. The list of state statutes reviewed is available on the PRIA website at the following URL:

http://www.pria.us/files/resource_library_files/Real_Property_Law_Legal_Issues/Statutes_Research_POST.pdf

Best Practices

The following five statements contain the best practices and attributes for a certified copy.

1. A certified copy should contain a certification stamp that includes the following attributes to indicate that it is indeed certified:
 - Signature of authorized person in the Recorder's Office
 - Jurisdiction seal
 - Jurisdiction and state identification
 - Date of certification
 - Number of pages the document contains
 - Certification statement, for example, "I hereby affirm that this document is a true certified copy of the document recorded in the land records of ABC County..."
 2. Only entire or complete documents should be certified.
 3. The certification stamp or raised seal should be placed on **the last page** of the document.
 4. The certification mark should be distinct and easily identifiable from the document text.
 5. Jurisdictions are encouraged to provide a method to verify that the certification is valid.
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Summary

While statutory language could not be found to define the content of a certification, PRIA acknowledges that the practice of making and sending certified copies is well-established. This paper exists to define content and best practices so that movement towards a national consistency will evolve.