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Update:
Real Estate Document Formatting

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Introduction

In 2000 a white paper was published by the Property Records Industry Joint Task Force, which was a predecessor of the Property Records Industry Association (PRIA). It was called “Real Estate Document Formatting,” and was based on an extensive survey of then-current requirements in recording offices nationwide. In keeping with its purpose to promote consistency in real estate recordable document formatting standards, it addressed every issue associated with those standards. It made recommendations concerning the standardization of those rules by recorders across the country. It did not address issues associated with eRecording, which was in its infancy in 2000.

The paper was reviewed in 2015 by PRIA’s Business Processes and Procedures Committee. The Committee has found that the information and recommendations presented in the paper are as valid today as they were in 2000. The huge improvements in the technology available both to document submitters and to recorders resolved many of the formatting issues that formerly bedeviled the industry. Further, the Committee has been unable to identify any document formatting issues that are uniquely associated with eRecorded documents. Based on this evaluation, the Committee determined that no broad update of the paper is warranted.

The recommendations set forth in the paper address only recordable real estate documents, such as deeds, mortgages or deeds of trust, assignments, releases and satisfactions. They do not address other documents, such as military notices, tax liens or court documents. The recommendations are based on two overriding principles: the Legibility Principle, which requires that recorded documents are sufficiently legible so that reproductions will also be legible; and the Accessibility Principle, which ensures that documents accepted for recording contain sufficient information to produce an accurate and efficient index.

Legibility

The legibility recommendations for paper documents include the following:

Paper weight	20 lb.
Paper size	8½ x 11 preferred; 8½ x 14 accepted
Paper color	White; no water marks
Staples or binding	None
One or two side print	One side only
Impression seals	None allowed
Colored highlight markers	None allowed

Margins	Top 3" of first page recommended for Recorder use, especially on right side of page (not recommended on last page); All other margins, 1"
Ink color	Black preferred, with dark blue signatures
Font	10-point Times New Roman, or equivalent
Spacing	9 lines per inch maximum

Accessibility

The accessibility recommendations for paper documents include the following:

- Document title
- Grantor and Grantee names and addresses
- Legal description
- "Return to" instruction
- References to other, related document(s)
- Parcel identification number
- Preparer information

Some document formatting standards relate even more directly to the issue of indexing. For example, some jurisdictions (notably the Commonwealth of Virginia, VA Code Ann. § 17.1-223) rely on rules that require the submitters to highlight in some fashion (such as underlining, **bolding**, or ALL CAPS) specific data fields in the document that will be used to create an index of the recorded document. Such requirements are criticized as an attempt to transfer to the submitter, at least in part, the responsibility for the indexing function that has traditionally been exclusively the recorder's responsibility. Today, 15 years after the white paper was first published, there is scarcely less controversy about this issue than at the time of its publication.

Non-Compliance

One of the most interesting discussions in the 2000 white paper was regarding the consequences of a submitter's non-compliance with formatting standards. One purpose of any formatting standard for recordable documents should be to deter the submission of non-conforming documents. Thus standards should help minimize the issues those documents raise in terms of both legibility and accessibility.

The traditional deterrence method has been the rejection of the document by the recorder, which has the virtue of keeping non-compliant documents from entering the public record. However, it is also true that a failure to include within the reject notice the exact requirements the document failed to satisfy will not promote the correction of formatting

errors. Rather, the recorder must be careful to publish precise standards and to refer in any reject notice to the exact ones that were violated.

An alternative method of deterrence has been the imposition of a financial penalty for the submission of non-conforming documents. One potential problem with this approach is that a relative small penalty will not, actually, deter non-conforming filings. Rather, submitters have been accused of simply submitting documents they know are non-compliant together with a check for the extra fee. Also, even if a relatively large penalty is imposed, the payment of that penalty does not increase either the legibility or accessibility of the public record.

The white paper suggested a mixed approach to this problem, perhaps starting with a precise rejection notice and then moving ahead with a substantial penalty if the second submission is still non-compliant. It should be noted that, inasmuch as some 15 years have elapsed since non-conforming penalty fees were imposed, now would certainly be a time when straightforward rejection for non-compliance with legibility and accessibility standards is a logical outcome.