

Date Last Updated: 8/13/2018 (info compiled between June-August 2018)

ARE LAND/REAL PROPERTY RECORDS PERMANENT/FOREVER IN YOUR STATE?

State	Are Recorded Documents Permanent (Forever) in Your State?	If Yes, What Makes Them Permanent?	Please provide link to statutory citation and/or state regulation	Clarifying or Additional Commentary
Alabama	Yes	Regulation	State says for County Probate Offices	Land Records are Permanent: The following land records represent evidence of title, ownership, and conveyance. They are mentioned in various sections of the Code of Alabama 1975 as instruments to be recorded and maintained in the county probate office: Land Patent Records, Tract Books, Field Notes, Sixteenth Section Lands Books, Plat Books, Deed Records (including Right of Way Deed Records and Leasing Records, Mortgage Records ,Tax Sale Records, Adverse Possession Records, Eminent Domain Records, Condominium/Apartment Ownership Records. Further, Indices to Real Estate Conveyances are Permanent.
Alaska	Yes	Statute	Alaska Statutes 40 - Chap 20.120	"keep clear and reproducible copy of every recorded document"
Arizona	Yes	Statute	ARS 41-151-15 Preservation of public records	
			ARS 39-101 Permanent public records	
			ARS 11-479 Destruction of records	
Arkansas	Yes	Statute	AR Statute 14-15-401	shall keep and nowhere does it provide for not keeping
California	Yes	Statute	CA Statute 3.2.3.6.4	see especially all of 27322 states "permanency of the recorded documents"
Colorado	Yes	Statute	C.R.S. 30-10-406	"The County clerk shall be ex officio recorder of deeds and shall have custody of and safely keep and preserve all the documents received for recording or filing in his or her office."
Connecticut	Yes	Statute and Regulation	CT Statute 7-47	Keep all documents filed
			CT Library Municipal Records Retention Progam M5 (see page 5)	Declares land records permanent
Delaware	Yes	Statute	DE Code Title 29 Chap 5	DE Dept of Public Archives
			DE Code Title 9 - Chapter 96	Recorders' Duties

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District of Columbia	Yes	Regulation	DC Govt. Retention Schedule states that land records are permanent, relying on Organization Order 101 (Order 63-197) 1/24/1963 as its basic authority; retention schedule last updated 1963	
Florida	Yes	Statute and Regulation	FS 28.222	FL Statute 28.222 says "record all instruments in one general series called 'Official Records.'" Doesn't say anywhere that can remove (except by judge's order on a specific document) so have always treated as permanent.
			FL DOS Retention Schedule GS 11	FL Dept of State Retention Schedule GS-11, Item 57, states Official Records (recorded documents) have a permanent retention schedule.
Georgia	Yes	Statute	GA Statute 44-2-2	44-2-2(a) states permanently record
Hawaii	Yes	Statute	HRS 502	HRS 502-11 says recorded docs permanent HRS502-11 states BOC shall make and keep permanent records although no specifics to form/media
Idaho	Yes	Statute and Regulation	ID Statute 31-871	
			ID Assoc of Counties Retention Schedule (could not embed Excel spreadsheet)	see especially lines 135-141; recorded docs = permanent and indefinite
Illinois	Yes	Statute	55 ILCS 5/3-5010	shall record in books and may microphotograph
			50 ILCS 5/205	Local Records Act - Recorder works with Secy of State annually to comply
Indiana	Yes	Statute and Regulation	IN Statute 5-15-5.1	Records are permanent based on the authority granted to the Indiana Commission on Public Records by the Indiana General Assembly to establish retention schedules (IC 5-15-5.1)
			IN Retention Schedules	
			IN Admin Rules -- see Rule 6	
Iowa	Yes	Statute	IA Statute 331.607	331.607(7) states "keep the records" and nowhere else says can stop keeping; thus keep permanently
Kansas	Yes	Statute	KS Statute 19-1204	The register of deeds shall... safely keep and preserve all... records, deeds, maps, papers...deposited...
			KS Statute 45-405	state archivist controls what records can be destroyed or transferred to state historical society

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Kentucky	Yes	Statute and Regulation	KRS 171.410 thru 171.740	sets State Retention Program
			75 KAR 1:030	State authority to issue specialized retention schedules
			KY Retention Schedule for Clerks 2018-03 (start page 57 for land records)	Retention Schedule for Clerks
Louisiana	Yes	Statute	LA Revised Statutes Chapter 44; see especially sections 44.1, 44.36, 44.39, 44.115, 44.116, and 44.183	See also Civil Code Art. 3338, Art. 3346, Art. 3347
			LA Revised Statutes Chapter 9:2612 (about electronic records)	Also Code of Civil Procedure Art. 258
Maine	Yes	Statute	ME Statutes 330-651	ME Disposition Schedule J (J.01-J.09) for Registers of Deeds states recorded documents are permanent and not confidential
Maryland	Yes	Regulation	MD Court Records Retention Schedule (see page 29 of 36)	
Massachusetts	Yes	Statute	MA General Laws Title VI Chapter 36	Section 14 states "shall keep a record, in book or electronic form, into which the register shall enter recording information for all instruments accepted for record in the order in which they are recorded." Doesn't say anywhere that can remove a recorded document.
Michigan	Yes	Statute and Regulation	MCL 750.491	State sets retention schedules
			MI DTMB Retention Schedule GS#3 for Registers of Deeds, Item 3-20 (page 3)	Michigan Department of Technology, Management and Budget (DTMB) retention schedules are approved by Registers Association, Records Management Services, Archives of Michigan, and the State Administrative Board. Confirmed land records are permanent 4/2006.
Minnesota	Yes	Statute	MN Statute 386.19	states "keep word for word"
			MN Statute 386.459	relates to method of storage
Mississippi	Yes	Statute	MS Code 19-15-1	"...records containing information essential to the operation of government and to the protection of the rights and interests of persons should be protected against the destructive effect of all forms of disaster..." "...necessary to adopt special provisions for the preservation of essential records of counties..."

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Missouri	Yes	Statute	MO Statutes 109.120	see especially 3 about recorders: "...a clear, accurate and permanent copy of the original, provided they meet the standards for permanent retention and integrity as promulgated by the local records board."
Montana	Yes	Statute and Regulation	MCA 7-4-2611	"take charge of and safely keep or dispose of according to law all books, papers, maps, and records that may be filed or deposited in the county clerk's office"
			MT Secy of State Sch 2 for County Clerk & Recorder (see page 9)	Declares land records permanent
Nebraska	Yes	Statute and Regulation	NE Statute 84-1212.01	state archivist must approve retention schedules
			NE SoS Retention Schedule 11 for Registers of Deeds (last updated 1988)	page 11 states "retain microfilm permanently"
Nevada	Yes	Statute	NV Statute 247.090	"... all documents on file ... must ... be open for inspection ..."
			NV Statute 247.100	"Each county recorder shall: ... Make the records maintained ... available for public inspection ..."
			NV Statute 247.150	"Each county recorder shall maintain two separate indexes ..."
New Hampshire	Yes	Statute and Regulation	NH Statute 478	Register of Deeds shall keep all
			Municipal Records Retention	Municipal Records Board sets retention schedule; as of 6/2018, MUR rule 300 expired, but it indicated land records were permanent
New Jersey	Yes	Regulation	NJ Retention Schedule for County Clerk/Register of Deeds (see page 13 of 20)	NJ land records are permanent with very few exceptions. Original Deeds or Deed Books are permanent. You can destroy copies as long as you have an original in paper or alternative format. Alternative format means microfilm that is approved by NJ DORES-RMS or scanned images of the paper records in a system approved by same. An exception is Settlement Notices which currently have a 40 year retention mandate. All Mortgages or Mortgage Books, and Assignments of Mortgages or Assignment of Mortgage Books are also permanent. For local and county government in New Jersey, the answer is NJ Division of Revenue and Enterprise, Records Management Services, known as DORES-RMS, provides the Retention Schedules
New Mexico	Yes	Statute	NM Statutes 14-8 (see especially 14-8-2)	Statute 14-8-2 states "...maintain permanently all documents that by law should be recorded."

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New York	Yes	Statute and Regulation	NY State Local Government Records Law 57-A NY State Archives Tech Info #41 (2002)	see Education law sec 140-a a. "Historical records". Records that contain significant information that is of enduring value and are therefore worthy of long-term retention, and systematic management. Historical records may include diaries, journals, ledgers, minutes, reports, photographs, maps, drawings, blueprints, agreements, memoranda, deeds, case files, and other material. They may take any of several physical forms: parchment paper, microfilm, cassette tape, film, videotape, computer tapes, discs, and other "machine readable" formats.
North Carolina	Yes	Statute	NC Statute Chapter 132 NC County Register of Deeds Retention Schedule	132.1 defines land records as public records 132-3 says that no public official can destroy or dispose of a public record without the approval of the Department of Natural and Cultural Resources 132-8.1 says that a records management program shall be administered by the Dept. of Natural and Cultural Resources that includes retention, preservation, and disposal of public records see pgs 59-60

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North Dakota	Yes	Regulation	ND Statutes 11-18-11	Keep..each
			ND Code Title 54 Chapter 46	code establishes generic rec mgmnt program for state; regs don't address permanent
Ohio	Yes	Statute and Regulation	OH Statutes 5309	see especially 5309.031
			OH Statutes 5310	see especially 5310.50 (C)
			OH Retention Schedule for Recordors	Deeds = permanent
Oklahoma	Yes	Statute	OK Statutes Title 19 (see Sec 155 and 178)	Oklahoma State Statutes Title 19 Section 155 and 178 give the schedule of which records may be destroyed. Outside of these provisions, destruction of other records is prohibited.
Oregon	Yes	Statute and Regulation	OR Statutes 205.130	Have the custody of, and safely keep and preserve, all files and records of deeds and mortgages
			OR Admin Rule 166-005-0010(8)	"Permanent" public records are those deemed worthy of permanent preservation by the State Archivist and the official copy of permanent records must be retained in paper or in microfilm.
Pennsylvania	Yes	Regulation	PA Hist & Mus Comm, Bur of State Archives, County Records Manual (updated 2012), p 134	"Retain permanently for administrative, legal and historical purposes"
Rhode Island	Yes	Statute and Regulation	RI Statute 34-13-1	list of types of documents to be recorded
			RI Statute 45-7-9	Requires microfilming by Town Clerks
			RI Secy of State Retention Schedule LG1 for Clerks (last revised 4/2017)	The State Archives and Public Records Administration requires microfilm in order to destroy permanent paper records that have been imaged per the regulation. They will continue to strongly recommend the microfilm of born electronic records that have a permanent retention.
South Carolina	Yes	Statute and Regulation	SC Code of Laws 30-1	Section 30-1-20 custodian of records Section 30-1-70 protection of records Section 30-1-80 records management program
			SC Retention Schedule for County Records 2002	Retention Schedule for Registers of Deeds (start on page 9)
South Dakota	Yes	Statute	SD 7-9-1	The register of deeds shall keep full and true records in proper books, of all deeds, mortgages, and other instruments authorized by law to be recorded in the register of deeds' office,
Tennessee	Yes	Statute	TN Statutes 8-13-108	

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Texas	Yes	Statute	TX Statute Local Government Title 6 201 TX Statute Local Government Title 6 Section 202 TX Statute Local Government Title 6 Section 203	Cites the Director of the Texas State Library & Archives Commission (TSLAC) as the body that creates the retention schedules Speaks to destruction and alienation of records Sets out management and preservation of records, and states Clerks must file their records control schedules with the Director of TSLAC and identify and take adequate steps to preserve records that are of permanent value.
Utah	Yes	Statute	UT Code 63A-12-105	
Vermont	Yes	Statute	24 VSA 1154 1 VSA 317 1 VSA sec 317a	Town Clerk shall record in books Records are public and available for inspection All records permanent unless otherwise specified

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Virginia	Yes	Statute and Regulation	VA Statutes 17.1-223	A. Every writing authorized by law to be recorded... by or under the direction of the clerk on such media as are prescribed by § 17.1-239. D. ...Such books shall be indexed by the clerk as provided by § 17.1-249 and carefully preserved...
			VA Statutes 17.1-224	...use such copy for making permanent records of his office by such photographic or electronic imaging process. Such original instrument shall be preserved in the clerk's office, in the same manner as is prescribed by law for preserving wills...
			VA Statute 42.1-79	The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind
			Retention Schedule GS-12	see page 10
Washington	Yes	Statute and Regulation	WA State Statutes 40.10	The State Archivist designates recorded documents as permanent retention for archival purposes.
			WA Secy of State Retention Schedule for County Auditors 2010 (see page 14)	The Office of the Secretary of State publishes a retention schedule that guides state and local agencies in determining the minimum length of time a given type of record is required to be maintained. In the case of documents recorded with the county auditor, the expectation is that these recordings along with their index will be available permanently. Further these government records are deemed essential to the delivery of government services in the event of disaster or civil disruption.
West Virginia	Yes	Statute	WV Code 39-2	instructions on index and keep; no words about ever stopping
Wisconsin	Yes	Statute	WI Statute 59.43(1)(c)	Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, instruments, and writings authorized by law to be recorded in his or her office and left with him or her for that purpose...
Wyoming	Yes	Regulation	Local Government Retention Schedule May 2018 can be downloaded from this page	Local Government Retention Schedule states land records permanent (page 19, Real Property Item 2)
yes, permanent		51		
no, not permanent		0		
unknown if perm		0		
total		51		
	statute		28	
	regulation		7	
	both		16	

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	total	51		