

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 942 Session of 2013

INTRODUCED BY MAJOR, HARPER, REED, MILLARD, MUSTIO, TOEPEL, PICKETT, TALLMAN, CLYMER, R. MILLER, COHEN, GINGRICH, M. K. KELLER, EVERETT, MARSHALL AND CALTAGIRONE, MARCH 12, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 2014

AN ACT

1 Amending the act of March 18, 1875 (P.L.32, No.36), entitled "An
2 act requiring recorders of deeds to prepare and keep in their
3 respective offices general, direct and ad sectum indexes of
4 deeds and mortgages recorded therein, prescribing the duty of
5 said recorders and declaring that the entries in said general
6 indexes shall be notice to all persons," providing for
7 requirements of certain instruments as a condition of
8 recordation and for a fee for reprocessing; AND MAKING <--
9 EDITORIAL CHANGES.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. The act of March 18, 1875 (P.L.32, No.36), <--~~
13 ~~entitled "An act requiring recorders of deeds to prepare and~~
14 ~~keep in their respective offices general, direct and ad sectum~~
15 ~~indexes of deeds and mortgages recorded therein, prescribing the~~
16 ~~duty of said recorders and declaring that the entries in said~~
17 ~~general indexes shall be notice to all persons," is amended by~~
18 ~~adding sections to read:~~

19 ~~Section 1.1. (a) Except as provided for in subsection (c),~~
20 ~~in addition to any other requirement of law, all deeds or other~~

1 ~~transfers of real estate, or an interest in real estate,~~  
2 ~~presented for recording after the effective date of this~~  
3 ~~subsection shall conform to the following:~~

4 ~~(1) The document shall be titled and captioned as to its~~  
5 ~~form and contents with a single title reasonably~~  
6 ~~corresponding to a description of an instrument subject to~~  
7 ~~fees in accordance with the act of June 12, 1919 (P.L.476,~~  
8 ~~No.240), referred to as the Second Class County Recorder of~~  
9 ~~Deeds Fee Law, the act of April 8, 1982 (P.L.310, No.87),~~  
10 ~~referred to as the Recorder of Deeds Fee Law, or any law,~~  
11 ~~ordinance, rule or regulation establishing fees for the~~  
12 ~~recording of documents in counties of the first class, as~~  
13 ~~applicable.~~

14 ~~(2) The document shall contain a property location,~~  
15 ~~including the county and municipal corporation wherein the~~  
16 ~~property lies, a legal description of the property and a~~  
17 ~~uniform parcel identifier number of the property affected if~~  
18 ~~required in accordance with section 5.~~

19 ~~(3) The name of every owner or person described in the~~  
20 ~~document shall be identified as a party and shall be indexed~~  
21 ~~accordingly by the recorder of deeds. Person shall include~~  
22 ~~any natural person, association, fiduciary, partnership,~~  
23 ~~corporation or other entity, including a governmental entity.~~

24 ~~(4) Documents shall not contain, or refer to by~~  
25 ~~incorporation, multiple transactions affecting multiple~~  
26 ~~parties and multiple properties, including mortgage~~  
27 ~~satisfactions and assignments.~~

28 ~~(b) The recorder of deeds may refuse to record any document~~  
29 ~~that does not conform to the standards set forth in subsection~~  
30 ~~(a).~~

1 ~~(c) This section shall not apply to mortgage assignments.~~  
2 ~~Section 1.2. The recorder of deeds may charge a fee not to~~  
3 ~~exceed ten dollars for reprocessing a document rejected in~~  
4 ~~accordance with section 1.1(b) pursuant to an established~~  
5 ~~procedure and publication by the recorder of deeds.~~

6 ~~Section 2. All acts or parts of acts are repealed insofar as~~  
7 ~~they are inconsistent with this act.~~

8 SECTION 1. THE TITLE OF THE ACT OF MARCH 18, 1875 (P.L.32, <--  
9 NO.36), ENTITLED "REQUIRING RECORDERS OF DEEDS TO PREPARE AND  
10 KEEP IN THEIR RESPECTIVE OFFICES GENERAL, DIRECT AND AD SECTUM  
11 INDEXES OF DEEDS AND MORTGAGES RECORDED THEREIN, PRESCRIBING THE  
12 DUTY OF SAID RECORDERS AND DECLARING THAT THE ENTRIES IN SAID  
13 GENERAL INDEXES SHALL BE NOTICE TO ALL PERSONS," IS AMENDED TO  
14 READ:

15 REQUIRING RECORDERS OF DEEDS TO PREPARE AND KEEP IN THEIR  
16 RESPECTIVE OFFICES GENERAL, DIRECT AND AD [SECTUM] SECTAM  
17 INDEXES OF DEEDS AND MORTGAGES RECORDED THEREIN, PRESCRIBING  
18 THE DUTY OF SAID RECORDERS AND DECLARING THAT THE ENTRIES IN  
19 SAID GENERAL INDEXES SHALL BE NOTICE TO ALL PERSONS.

20 SECTION 2. SECTION 1 OF THE ACT, AMENDED OCTOBER 16, 1980  
21 (P.L.986, NO.170), IS AMENDED TO READ:

22 SECTION 1. BE IT ENACTED, &C., THAT IN THE ADDITION TO THE  
23 INDEXES WHICH THE RECORDER OF DEEDS IN EACH COUNTY OF THIS  
24 COMMONWEALTH IS REQUIRED TO KEEP, THE SAID RECORDER SHALL  
25 CAREFULLY AND ACCURATELY PREPARE AND KEEP IN HIS OFFICE TWO  
26 GENERAL INDEXES OF ALL DEEDS RECORDED THEREIN, IN ONE OF WHICH,  
27 TO BE KNOWN AS THE DIRECT INDEX, HE SHALL ENTER IN THEIR ORDER  
28 THE NAME OF THE GRANTOR, THE NAME OF THE GRANTEE, THE VOLUME AND  
29 PAGE WHEREIN THE DEED IS RECORDED, AND IN THE OTHER, TO BE KNOWN  
30 AS THE AD [SECTUM] SECTAM INDEX, HE SHALL ENTER IN THEIR ORDER

1 THE NAME OF THE GRANTEE, THE NAME OF THE GRANTOR, THE VOLUME AND  
2 PAGE WHEREIN THE DEED IS RECORDED. HE SHALL IN LIKE MANNER ALSO  
3 PREPARE AND KEEP TWO GENERAL INDEXES, ONE DIRECT AND THE OTHER  
4 AD [SECTUM] SECTAM, OF ALL MORTGAGES RECORDED IN HIS OFFICE. IN  
5 COUNTIES OF THE SECOND CLASS, HE SHALL HEREAFTER ENTER IN BOTH  
6 SAID INDEXES OF DEEDS AND IN BOTH THE INDEXES OF MORTGAGES, THE  
7 DATE OF RECORDING AND THE NAME OF THE CITY OR BOROUGH OR  
8 TOWNSHIP AND THE NUMBER OF THE WARD THEREOF, IF ANY, IN WHICH  
9 THE PROPERTY AFFECTED IS STATED IN THE RECORDED INSTRUMENT TO BE  
10 LOCATED, AND THE PRIMARY AS WELL AS THE PERMANENT INDEXES SHALL  
11 CONTAIN THE FOREGOING ENTRIES AS TO DATE OF RECORDING AND  
12 LOCALITY OF EACH PROPERTY AFFECTED: PROVIDED, THAT WHERE AN  
13 INSTRUMENT AFFECTS PROPERTY IN MORE THAN ONE WARD, CITY,  
14 BOROUGH, TOWN OR TOWNSHIP AND THE SPACE ON THE INDEX IS  
15 INSUFFICIENT TO PERMIT THE WRITING OF THE LOCALITY OF EACH  
16 PROPERTY AFFECTED, THE NAME OF THE COUNTY ALONE SHALL BE FULL  
17 COMPLIANCE WITH THIS ACT. SAID INDEXES SHALL BE ARRANGED  
18 ALPHABETICALLY AND IN SUCH A WAY AS TO AFFORD AN EASY AND READY  
19 REFERENCE TO SAID DEEDS AND MORTGAGES RESPECTIVELY, AND SHALL BE  
20 WRITTEN IN A PLAIN AND LEGIBLE HAND: PROVIDED HOWEVER, THAT IN  
21 ANY COUNTY WHERE SUCH INDEXES HAVE ALREADY BEEN PREPARED AND IN  
22 USE, OR WHERE ANY SPECIAL LAW RELATING TO ANY OF SAID INDEXES IS  
23 NOW IN FORCE, THEY SHALL BE ADOPTED AND KEPT AS IF MADE IN  
24 PURSUANCE OF THIS ACT. NOTHING HEREIN CONTAINED SHALL PROHIBIT  
25 THE RECORDER OF DEEDS FROM COMBINING THE GENERAL INDEXES FOR  
26 DEEDS WITH THE GENERAL INDEXES FOR MORTGAGES INTO ONE GENERAL  
27 INDEX.

28 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29 SECTION 1.1. (A) IN ADDITION TO ANY OTHER PROVISION OF LAW,  
30 THE RECORDER OF DEEDS SHALL INDEX IN THE DIRECT AND AD SECTAM

1 INDEXES ALL OIL OR GAS DOCUMENTS PRESENTED FOR RECORDING

2 ACCORDING TO:

3 (1) THE NAME OF EACH PARTY TO THE OIL OR GAS DOCUMENT.

4 (2) THE NAME OF EACH LESSOR LISTED IN THE ADDENDUM REQUIRED  
5 BY SUBSECTION (C).

6 (B) A RECORDER OF DEEDS, AT HIS SOLE DISCRETION, MAY REFUSE  
7 TO ACCEPT AN OIL OR GAS DOCUMENT CONTAINING OR INCORPORATING BY  
8 REFERENCE OR BY EXHIBIT OR BY OTHER MEANS MORE THAN 50 LEASES.

9 (C) AN OIL OR GAS DOCUMENT CONTAINING, OR REFERRING TO BY  
10 INCORPORATION, MULTIPLE LEASES, SHALL INCLUDE AN ADDENDUM FOR  
11 THE PURPOSES OF THE INDEXING REQUIRED BY SUBSECTION (A). THE  
12 ADDENDUM SHALL LIST EACH LEASE CONTAINED IN THE DOCUMENT OR  
13 INCORPORATED BY REFERENCE OR EXHIBIT OR BY OTHER MEANS BY AND  
14 SHALL CLEARLY IDENTIFY FOR EACH LEASE:

15 (1) THE NAMES OF THE LESSOR OR LESSORS.

16 (2) THE PRIOR RECORDING INFORMATION FOR THE LEASEHOLD  
17 INTEREST.

18 (3) THE PROPERTY WITH WHICH EACH LEASE IS ASSOCIATED,  
19 IDENTIFIED BY:

20 (I) THE NAME OF ANY WARD, CITY, BOROUGH, TOWN OR TOWNSHIP IN  
21 WHICH ALL OR PART OF THE PROPERTY IS LOCATED, IN A COUNTY THAT  
22 HAS NOT ADOPTED A UNIFORM PARCEL IDENTIFIER SYSTEM UNDER THE ACT  
23 OF JANUARY 15, 1988 (P.L.1, NO.1), KNOWN AS THE UNIFORM PARCEL  
24 IDENTIFIER LAW; OR

25 (II) THE UNIFORM PARCEL IDENTIFIER NUMBER OF THE PROPERTY,  
26 IN A COUNTY THAT HAS ADOPTED A UNIFORM PARCEL IDENTIFIER SYSTEM  
27 UNDER THE UNIFORM PARCEL IDENTIFIER LAW.

28 (D) (1) IN ADDITION TO ANY OTHER FEE AUTHORIZED BY LAW, FOR  
29 AN OIL OR GAS DOCUMENT, THE RECORDER OF DEEDS IN A COUNTY THAT  
30 HAS NOT ADOPTED A UNIFORM PARCEL IDENTIFIER SYSTEM UNDER THE

1 UNIFORM PARCEL IDENTIFIER LAW, MAY ASSESS A FEE OF SIX DOLLARS  
2 FOR EACH LEASE DESCRIBED, FOR WHICH THE LESSOR MUST BE INDEXED  
3 IN ACCORDANCE WITH SUBSECTION (A).

4 (2) IF AN OIL OR GAS DOCUMENT CONTAINS, OR REFERS TO BY  
5 INCORPORATION, MULTIPLE LEASES, THE RECORDER OF DEEDS, IN A  
6 COUNTY THAT HAS ADOPTED THE UNIFORM PARCEL IDENTIFIER SYSTEM  
7 UNDER THE UNIFORM PARCEL IDENTIFIER LAW, MUST INDEX THE LESSOR  
8 IN ACCORDANCE WITH SUBSECTION (A), BUT MAY NOT ASSESS THE FEE  
9 UNDER PARAGRAPH (1). THE RECORDER MAY ASSESS SUCH OTHER FEES AS  
10 AUTHORIZED UNDER LAW, INCLUDING A FEE, IF ADOPTED, TO CERTIFY  
11 EACH UNIFORM PARCEL NUMBER.

12 (E) THE PURPOSE OF THIS SECTION IS TO PROVIDE GREATER ACCESS  
13 TO THE PUBLIC TO INFORMATION REGARDING OIL AND GAS DOCUMENTS.  
14 THE FOLLOWING SHALL APPLY:

15 (1) THIS SECTION SHALL APPLY TO OIL OR GAS DOCUMENTS  
16 PRESENTED FOR RECORDING AFTER THE EFFECTIVE DATE OF THIS  
17 SECTION.

18 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR  
19 ALTER ANY REQUIREMENT OF LAW REGARDING THE RECORDING OF  
20 DOCUMENTS OTHER THAN OIL OR GAS DOCUMENTS.

21 (3) IF AN OIL OR GAS DOCUMENT MEETS THE REQUIREMENTS OF THIS  
22 SECTION AND ALL OTHER STATUTES PROVIDING RECORDING REQUIREMENTS,  
23 THE DOCUMENT SHALL BE RECORDED. NOTHING IN THIS SECTION SHALL BE  
24 CONSTRUED TO CONFER UPON A RECORDER OF DEEDS ADDITIONAL  
25 AUTHORITY TO REJECT THE OIL OR GAS DOCUMENT, PROVIDED THAT IT IS  
26 ACCOMPANIED BY AN AMOUNT AT LEAST EQUAL TO THE REQUIRED  
27 RECORDING FEES.

28 (4) NOTHING IN THIS SECTION SHALL AFFECT IN ANY MANNER THE  
29 VALIDITY AND ENFORCEABILITY OF LIENS, MORTGAGES OR DEEDS OF  
30 TRUST IN OIL AND GAS PROPERTY.

1       (5) THIS SECTION SHALL NOT APPLY TO OR AFFECT IN ANY MANNER  
2 THE PROVISIONS OF 13 PA.C.S. DIVISION 9 (RELATING TO SECURED  
3 TRANSACTIONS), INCLUDING THE PROVISIONS OF DIVISION 9 RELATING  
4 TO AS-EXTRACTED COLLATERAL, THE PROCEEDS OF AS-EXTRACTED  
5 COLLATERAL OR FIXTURES USED IN OIL AND GAS EXPLORATION,  
6 EXTRACTION OR PRODUCTION.

7       (6) SUBSECTION (C) SHALL NOT BE CONSTRUED TO CONFER A  
8 RECORDER OF DEEDS WITH THE RESPONSIBILITY OR THE AUTHORITY TO  
9 VERIFY THE ACCURACY OF THE INFORMATION REQUIRED IN THE ADDENDUM  
10 REQUIRED BY THAT SUBSECTION.

11       (F) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS  
12 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION  
13 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

14       "LESSOR." THE OWNER OF RECORD FROM WHOM MINERAL RIGHTS WERE  
15 LEASED AT THE TIME THE LEASE WAS ORIGINALLY EXECUTED, REGARDLESS  
16 OF WHETHER A SUBSEQUENT LEASE AMENDED, RESTATED OR REPLACED THE  
17 ORIGINAL LEASE, AND REGARDLESS OF WHETHER THE ORIGINAL LESSOR  
18 CONVEYED ITS RESERVED ROYALTY INTERESTS TO ANOTHER PERSON.

19       "OIL OR GAS DOCUMENT." A DOCUMENT WHICH TRANSFERS ALL OR  
20 PART OF THE INTERESTS OF ONE PARTY TO ANOTHER PARTY IN MULTIPLE  
21 OIL OR GAS LEASES.

22       "PARTY." THE TERM SHALL INCLUDE THE GRANTOR AND GRANTEE OR  
23 ASSIGNOR AND ASSIGNEE OR TRANSFEROR AND TRANSFEREE.

24       "PERSON." ANY NATURAL PERSON, ASSOCIATION, FIDUCIARY  
25 PARTNERSHIP, CORPORATION OR OTHER ENTITY, INCLUDING A  
26 GOVERNMENTAL ENTITY.

27       Section 3 4. Nothing in this act shall affect any deed,       <--  
28 other transfers of real estate or an interest in real estate,  
29 fully executed, acknowledged or recorded prior to the effective  
30 date of this act.

1 Section 4 5. This act shall take effect in 60 days.

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