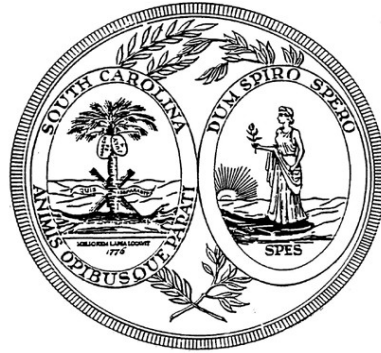


The Uniform Real Property Recording Act



Office of the Secretary of State

Melissa Dunlap

Chief of Staff & General Counsel

What is URPERA?

URPERA authorizes land records officials to

- Accept electronic records
- Store electronic records
- Search and retrieve electronic records

Basis for URPERA in South Carolina

- National Conference of Commissioners on Uniform State Laws (NCCUSL)
- Commissioners promulgated URPERA in 2004
- Follows E-Sign (15 U.S.C. 7001 *et seq.*) and UETA (S.C. Code § 26-6-10 *et seq.*) which allows sale contracts, mortgages and promissory notes in electronic form with electronic signatures

Real Estate Transactions

- Documents must be recorded on public records to protect interest and clarify ownership of title
- Real estate transactions needed additional clarification on the electronic process

- The URPERA was drafted to remove any doubt about the authority of the recorder to receive and record documents and information in electronic form.
- Any requirements of state law describing or requiring a document be an original, on paper, or in writing are satisfied by an electronic document.

Origin in South Carolina Legislation

- H.3451 was introduced 2/7/07
- The General Assembly passed Act 210 of 2008 creating the Uniform Real Property Electronic Recording Act
- S.C. Code Section 30-6-10, *et seq.*
- Effective 5/13/08 upon signature of the Governor
- Does not make electronic filing mandatory

- Any requirement that the document contain a signature or acknowledgment is satisfied by an electronic signature
- Authorizes the recorder, at the recorder's option, to accept electronic documents for recording, and to index and store the documents



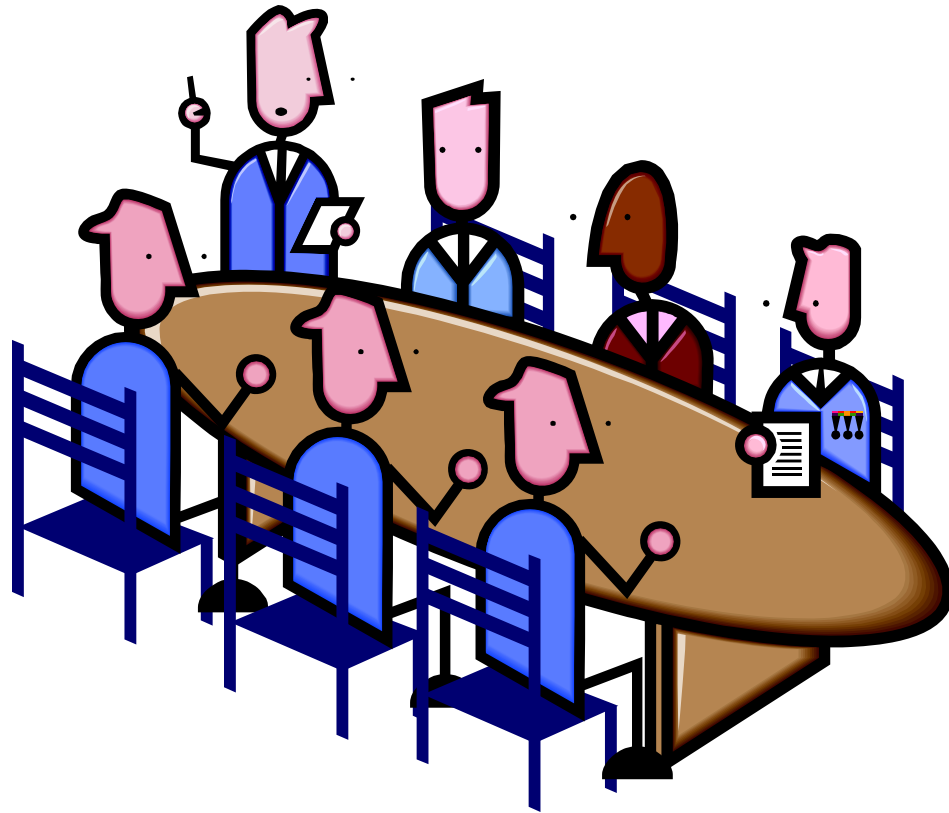
Purpose of the Act

- To provide the authority for the Clerk of Court/Register of Deeds in counties to receive and record documents in an electronic format



- To set forth certain requirements for acceptance of electronic documents
- To establish the Electronic Recording Committee

The Electronic Recording Committee



- Recorders must comply with standards set forth by the Electronic Recording Committee
- The Committee is charged with adopting standards with a vision of interstate harmony



Duties of the Electronic Recording Committee

- Secretary of State Mark Hammond charged with the oversight of the committee
- Required to promulgate regulations to adopt standards to implement the act
- Required to adopt standards for the receipt, recording, and retrieval of electronic documents

Members of the Committee

- Chaired by Secretary of State Mark Hammond
- Six members appointed by Governor Sanford
 - Register with a county with population over 100,000
 - Register with a county population greater than 33,000 but less than 100,000
 - Register with a county population less than 33,000
 - A representative of the title insurance industry
 - A real estate professional
 - A real estate attorney

Appointed Members

- Tim Nanney, Greenville County Register of Deeds
- Scott Suggs, Darlington County Clerk of Court
- Ken Hasty, Calhoun County Clerk of Court
- Susan Stewart, First American Title, SC Bar member
- Peggy Powell, Stewart Title
- Nick Kremydas, SC Association of Realtors

Promulgation of the Regulations

- Notice of Drafting published in *State Register* February 2009
- Regulations published in *State Register* May 2009
- Joint Resolution signed by Governor March 31, 2010
- Published in *State Register* April 23, 2010

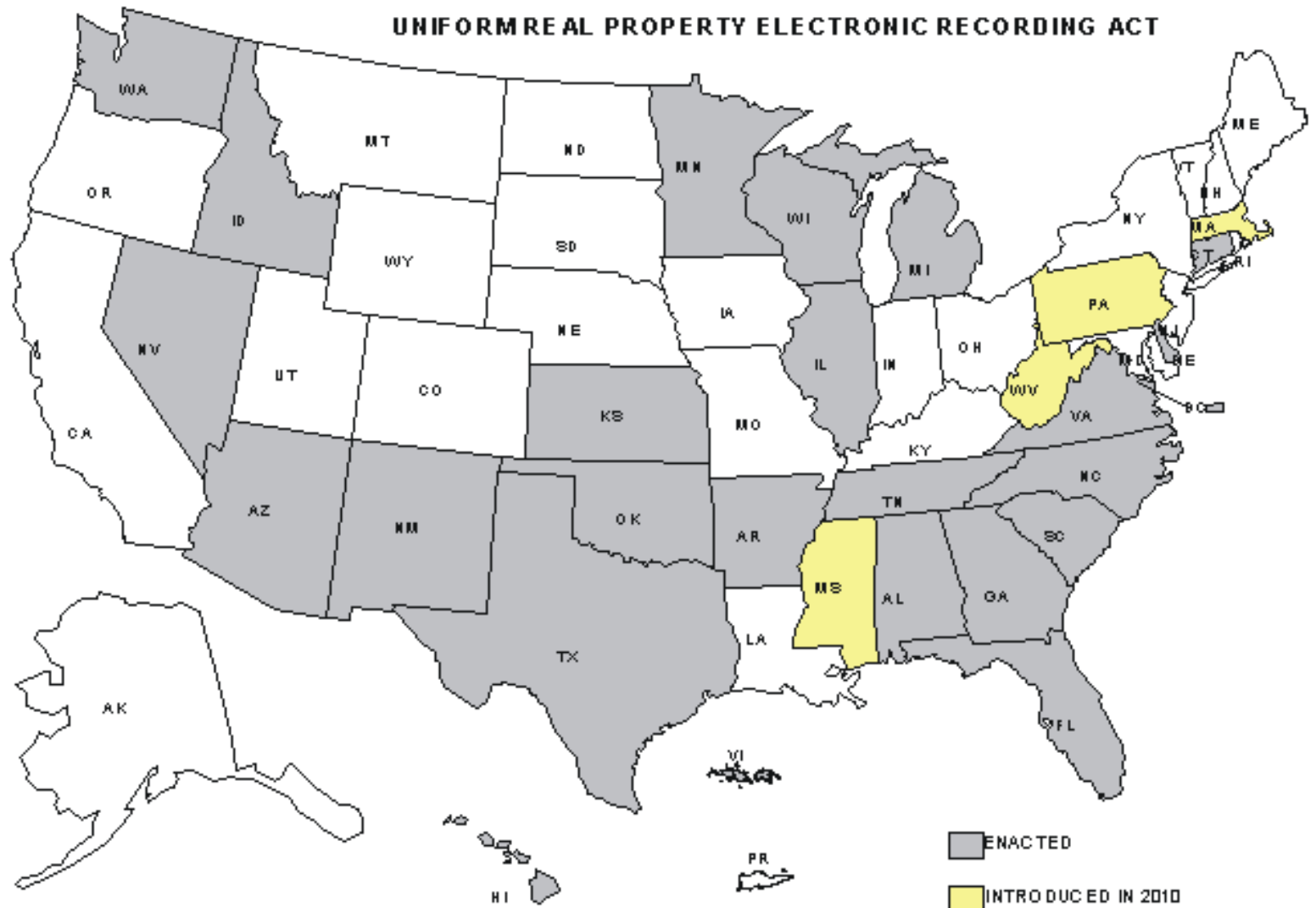
Three Methods

- Method One: Filer transmits to the register a scanned document of an original paper document. Indexed by staff.
- Method Two: Adds electronic data for indexing purposes
- Method Three: Utilizes only electronic documents and electronic indexing information

Benefits

- Modernizes real property law for the 21st Century.
- Meets growing demand for quick identification of title ownership
- Streamlines real estate transactions

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT



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