The Uniform Real Property Recording Act

Office of the Secretary of State

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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