

CHAPTER 4 RECORDER'S FEES

IC 36-2-7-10 provides that the recorders of the various counties of this state shall on behalf of their respective counties, tax and collect, upon proper books to be kept in their offices for that purpose, the fees and amounts provided herein on account of services rendered by said recorders. The fees and amounts so taxed, which shall be in full for all services of the recorder, shall be designated as "Recorder's Fees." Provided, that they shall not belong to or be the property of the recorder, but shall belong to and be the property of the county and shall be paid into the county treasury at the close of each calendar month. The fees shall supersede all other recording fees required by law to be charged for services rendered by the county recorders. The fees to be taxed and collected are as follows:

- (1) Six dollars (\$6.00) for the first page and two dollars (\$2.00) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15.00) for the first page and five dollars (\$5.00) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1.00) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1.00) for each cross reference of a recorded document.
- (5) One dollar (\$1.00) per page not larger than eight and one-half (8 ½) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2.00) per page that is larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (6) Five dollars (\$5.00) for acknowledging or certifying to a document.
- (7) Five dollars (\$5.00) for each deed the recorder records, in addition to the other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).
- (8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine. Although this subsection remains in IC 36-2-7-10, IC 5-14-3-8 no longer authorizes a county to establish or charge a fee for facsimile transmission.
- (9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.
- (10) A supplemental fee of three dollars (\$3.00) for recording a document that is paid at the time of recording.

The fee under this subdivision is in addition to other fees provided by law for recording a document.

- (11) Three dollars (\$3.00) for each mortgage on real estate recorded, in addition to other fees required by this section. This fee should be distributed as follows:

Fifty cents (\$.50) is to be deposited into the recorder's record perpetuation fund. Two dollars and fifty cents (\$2.50) is to be deposited with the county auditor into a fund for state share of mortgage recording fees. The county auditor is responsible for remitting the state share of mortgage fees collected semi-annually to the Auditor of State as provided in IC 24-9-9-3.

- (12) If at least one unit in the county has established an affordable housing fund under IC 5-20-5-15.5 the county fiscal body may adopt an ordinance authorizing the county recorder to charge a fee of two dollars and fifty cents (\$2.50) for the first page; and one dollar (\$1) for each additional page; of each document the recorder records.

An allocation of the monies collected by the recorder under subsection 12 should be made prior to deposit with the county treasurer. Sixty percent (60%) of the collections should be deposited to benefit units in the county that have established an affordable housing fund. The county treasurer is to make distribution to the units in the county that have such a fund using the ratio of population served by the unit having an affordable housing fund to the total population of the county that is within all units having an affordable housing fund. The remaining forty percent (40%) is to be distributed to the Treasurer of State for deposit in the affordable housing and community development fund. Monies under this subsection must be distributed before the sixteenth day of the month following the month in which the money is collected from the county recorder.

- (13) This subsection applies only to Marion County. It authorizes the county to establish a fee for the housing trust fund similar to subsection 12 above.
- (14) The county recorder shall charge a two dollar (\$2) county identification protection fee for recording or filing a document. One dollar (\$1) shall be deposited in the county recorder's record perpetuation fund. Fifty cents (\$0.50) shall be deposited in the county identification protection fund established under IC 36-2-7.5-11. Fifty cents (\$0.50) shall be deposited in the county elected officials training fund established under IC 36-2-7-19. The allocated amounts of this \$2 fee need to be reported separately to the county auditor on the report of collections.

The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under the above subsections 5, 8, 9, 10, \$0.50 of 11, and \$1 of 14 shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of recordkeeping systems and equipment. Money from the fund may not be deposited or transferred into the county general fund.

As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

The county recorder shall post these fees in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

The county recorder shall charge bulk users seven cents (\$0.07) per page for a recorded document including the index of the instrument number or book and page, or both, for retrieving the recorded document. Additionally, the recorder shall charge seven cents (\$0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document. The county recorder may charge a fee that exceeds the seven cents. However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent of providing the bulk form copies. "**Bulk form**" as used here means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording a calendar day, week, month , or year; or
- (3) both subdivisions (1) and (2).

The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices.

All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund. [IC 36-2-7-10.1]

The county recorder may not tax or collect any fee for:

- (1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or
- (2) performing any service under any of the following:
 - (a) IC 6-1.1-22-2(c).
 - (b) IC 8-23-7.
 - (c) IC 8-23-23.
 - (d) IC 10-17-2-3.
 - (e) IC 10-17-3-2.
 - (f) IC 12-14-13.
 - (g) IC 12-14-16.

The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes. [IC 36-2-7-10]

IC 32-28-3-3 provides a charge of two dollars (\$2.00) for mailing, first class, a Mechanics Lien Notice for each notice that is mailed.

UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS
SCHEDULE OF FEES
[IC 26-1-9.1-525]

UNIFORM COMMERCIAL CODE FEE SCHEDULE

UCC FINANCING STATEMENT

One or two written pages or communicated by another medium	\$ 4.00
More than two written pages	8.00

UCC FINANCING STATEMENT AMENDMENT

One or two written pages or communicated by another medium	\$ 4.00
More than two written pages	8.00

UCC INFORMATION REQUESTS

\$ 5.00

SERVICES FOR WHICH NO FEES ARE COLLECTIBLE

For the services set out below no fees shall be taxed and collected by county recorders:

State, County, or Municipal Highway Right-of-Way or Easements: For recording any right-of-way or easement acquired by the Indiana Department of Transportation. This would also include the purchase of any right-of-way. [IC 8-23-7-31 and IC 8-23-23-1]

UCC - Requests for Duplicates: For marking file number and date and hour of filing on three or less extra copies of a statement or document filed under Article 9 of the Uniform Commercial Code.

Veterans' Discharge Papers: For recording discharges from military service of the United States of members of any branch of the service who are residents of Indiana. [IC 10-17-2-3]

Certified Copies to Veterans, Widows or Dependents: For providing one (1) certified copy of any document or record if it is shown that the certified copy is necessary to secure benefits to members of the military service, to honorably discharged veterans, or their widows, or dependents, under any federal or state law. Provided, that if the person requests more than one (1) certified copy of the document or record there may be a charge of not more than the amount specified in IC 36-2-7-10(b). The words "honorably discharged veterans" shall include those persons placed on inactive duty under honorable conditions but not discharged from military service. [IC 10-17-3-2]

Official Bonds: For recording official bonds of any public officer, deputy, appointee or employee. [IC 36-2-7-10] This includes official bonds of all officers, deputies, appointees and employees of all state and local governmental units, or agencies thereof, including bonds of school extra-curricular treasurers, or other official bonds purchased by or on behalf of a governmental unit or agency.

Supplemental Assistance To The Aged Certificates: For filing supplemental assistance to the aged certificates, entry of the abstract thereof, and satisfaction of lien. [IC 12-14-13-5]

Other Free Recordings: (1) Supplemental assistance liens concerning blind persons and disabled persons, IC 12-14-16-1; and (3) certain surveys, legal descriptions and plats, IC 6-1.1-22-2(c).

TAXING UNLAWFUL FEES

It shall be unlawful for any officer in this state, under color of his office, to tax, or permit to be taxed, in his office, any fee or sum of money that is not legally allowable under the statute or statutes of the state. [IC 5-7-2-1]

No county or township officer in this state shall, under color of the officer's office, charge, tax up or receive, or permit to be taxed up or received, in relation to any service in or about this office, any fee or sum of money except such fee or sum of money as is plainly specified in IC 33-37 and IC 36-2 without resort to implication. [IC 5-7-2-2]

An officer who knowingly: (1) Taxes any fees or makes any charges for services he does not actually perform; (2) charges for any services any rate or fee other than that allowed by statute; or (3) fails to enter, tax, or charge at the proper time the proper fees for services; commits a Class A misdemeanor and is liable personally upon his bond for any damage or loss sustained by the county. [IC 36-2-7-18]