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Best Practices for Certifying Copies for Land Records

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Introduction

It is widely accepted across the United States that government offices generate certified copies of documents in their custody for a variety of purposes.

This paper focuses on best practices for certified copies of land records. PRIA acknowledges that there may be additional and different issues related to certifying documents which are contained in other government offices. PRIA does not have the appropriate expertise to opine on what those best practices might include. Thus, the limitation of this paper to recorded documents.

Usually a certified copy is accepted as a true and accurate representation of the document on file with the custodian. There are indications in state statutes that a certified copy is as effective as the original.

An initial review of state statutes reveals that there are no definitions for certified copy content, only language that the custodian issues the certified copies and collects the fees that are allowed to be charged for these copies. The list of state statutes reviewed is available on the PRIA website at the following URL. See Appendix I below.

Best Practices

The following five statements contain the best practices and attributes for a certified copy.

1. A certified copy should contain a certification stamp that includes the following attributes to indicate that it is indeed certified:
 - Signature of authorized person in the Recorder's Office
 - Jurisdiction seal
 - Jurisdiction and state identification
 - Date of certification
 - Number of pages the document contains
 - Certification statement, for example, "I hereby affirm that this document is a true certified copy of the document recorded in the land records of ABC County..."
2. Only entire or complete documents should be certified.
3. The certification stamp or raised seal should be placed on **the last page** of the document.
4. The certification mark should be distinct and easily identifiable from the document text.
5. Jurisdictions are encouraged to provide a method to verify that the certification is valid.

Summary

While statutory language could not be found to define the content of a certification, PRIA acknowledges that the practice of making and sending certified copies is well established. This paper exists to define content and best practices so that movement towards a national consistency will evolve.

Appendix I

Certified Copies - State Statutes/Rules

Statute or Law Reference	ST	Comments
1 http://law.justia.com/codes/arkansas/2012/title-21/chapter-6/subchapter-4/section-21-6-402	AR	Miscellaneous Fees associated with copies/certified copies Force and effect; When (under what circumstances) a certified copy can be used
2 http://abclegaldocs.com/Downloads/Colorado_Proof_of_Execution_CRS_38-30-136.pdf	CO	Force and effect; when (under what circumstances) a certified copy can be used for recording
3 http://www.cga.ct.gov/current/pub/chap_821.htm#sec_47-16	CT	1-7 likely some description of components of a certified copy
4 https://www.cga.ct.gov/current/pub/chap_092.htm	CT	Force and effect; when (under what circumstances) a certified copy can be used for recording.
5 https://www.flsenate.gov/Laws/Statutes/2012/119.021	FL	Florida Statute 119.021 Force and effect; when (under what circumstances) a certified copy can be used for recording;
6 http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0092/Sections/0092.13.html	FL	copy(ies) used for recording in lieu of destroyed lien/mortgage. FL statute 92.13 and 695.19.
7 https://www.revisor.mn.gov/statutes/?id=507.25	MN	Force and effect; when (under what circumstances) a certified copy can be used for recording 386.52 - certificate of authentication (see attachment); 600.17 - when copies can be used as evidence (see attachment); 600.22 - force and effect; when (under what circumstances) a certified copy can be used as evidence; 507.25 - force and effect; when a certified copy may be recorded (see attached); 600.13 - force and effect; when a certified copy may be used in probate court
386.52		
600.17		
600.22		
507.25		
8 600.13	MN	(see attached)

G.S. 47-31(a)		
	Under General Statutes of North Carolina.	Certified copies may be registered (recorded)
9	www.ncleg.net	NC
10	http://www.legis.nd.gov/general-information/north-dakota-century-code	ND
11	http://www.nebraskalegislature.gov/laws/statutes.php?statute=33-109	NE
		Fees Established
		NRS239.030,in part reads: Every officer having custody of public records, the contents of which are not declared by law to be confidential, shall furnish copies certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying.
12	http://www.nebraskalegislature.gov/laws/statutes.php?statute=33-109	NV
13	https://www.leg.state.nv.us/nrs/NRS-247.html	NV
14	http://sdlegislature.gov/statutes/DisplayStatute.aspx?Type=Statute&Statute=7-9-15	SD
15	https://shar.es/1qUWXy	TX
		A certified copy has the same effect as the original record. The clerk's certification
		Sec. 118.014. CERTIFIED PAPERS. (a) The fees for "Certified Papers" under Section 118.011 are for the county clerk's certificate that shall be placed on each page or part of a page, and a fee for copying each page or part of a page, (no more space to paste code)
16		TX
		Must appear on each page of the document. You may not certify to one page of a document but only to the entire document.
17	https://www.google.com/?gws_rd=ssl#q=utah+code+certified+copy+of+recorded+document	UT
18	https://docs.legis.wisconsin.gov/statutes/statutes/59/IV/43/2m	WI
19	http://law.justia.com/codes/wyoming/2011/title18/chapter3/section18-3-402	WY
		18-3-402(a)(xvi)(G) and (J)