

SJ Quinney College of Law, University of Utah

Utah Law Digital Commons

Utah Code Annotated 1943-1995

1-19-1987

Title 17: Counties Chapter 21 Recorder - 1987 Replacement Volume

Utah Code Annotated

Follow this and additional works at: <https://dc.law.utah.edu/uca>

The Utah Code Annotated digital collection, hosted by Digital Commons, is brought to you for free and open access by the James E. Faust Law Library at the S.J. Quinney College of Law. Funds for this project have been provided by the Institute of Museum and Library Services through the Library Services and Technology Act and are administered by the Utah State Library Division. For more information, please contact valeri.craigle@law.utah.edu. Reprinted with permission. Copyright 2020 LexisNexis. All rights reserved.

Recommended Citation

Utah Code Annotated Title 17-21 (Michie, 1987)

This Book is brought to you for free and open access by Utah Law Digital Commons. It has been accepted for inclusion in Utah Code Annotated 1943-1995 by an authorized administrator of Utah Law Digital Commons. For more information, please contact valeri.craigle@law.utah.edu.

History: R.S. 1898 & C.L. 1907, § 602; C.L. 1917, § 1538; R.S. 1933 & C. 1943, 19-17-4.

Cross-References. — Acknowledgments, clerk authorized to take, § 57-2-2.

Election duties, Title 20.

Fees of county clerk, §§ 21-2-1, 21-2-2.

Juries, duties respecting, § 78-46-1 et seq.

Marriage licenses, § 30-1-7 et seq.

Official oaths and bonds, § 52-1-1 et seq.

Spouse Abuse Act, duties under, § 30-6-4.

17-20-5. Report of election and appointment of officers.

Every county clerk shall within ten days after the issuance by him of any certificate of election of elective county officers, excepting justices of the peace and constables, and after the issuance by him of any certificate of appointment made to fill vacancies in elective county offices, excepting justices of the peace and constables, prepare and forward to the lieutenant governor a certified report on forms furnished by the lieutenant governor of every such certificate issued as aforesaid. Every such report shall show the name of the county, the name of the county office to which the person was elected or appointed, the date of the election or appointment of such person, the date of the expiration of the term for which the person was elected or appointed, the date of the certificate of election or appointment, and the date of the qualification of the person so elected or appointed.

History: L. 1907, ch. 137, § 2; C.L. 1907, § 602x1; C.L. 1917, § 1540; R.S. 1933 & C. 1943, 19-17-5; L. 1984, ch. 66, § 20.

Amendment Notes. — The 1984 amend-

ment substituted "lieutenant governor" for "secretary of state" in two places in the first sentence.

CHAPTER 21

RECORDER

Section		Section	
17-21-1.	Books and supplies for office.	17-21-14.	Military records — Fees — Evidence.
17-21-2.	Seal.	17-21-15.	Searches and abstracts — Fees and charges of county recorder — Liability of county.
17-21-3.	Methods of recordation authorized.	17-21-16.	Acknowledgments and administrations of oaths.
17-21-4.	Certified copies.	17-21-17.	Neglect of duty — Penalty.
17-21-5.	Receipts for documents received for record.	17-21-18.	Fees must be paid in advance.
17-21-6.	General duties — Records and indexes.	17-21-19.	Records open to inspection — Copies.
17-21-7.	Repealed.	17-21-20.	Filing requires recordation — Exception.
17-21-8.	Maps and plats — Approval before recordation.	17-21-21.	Ownership plats.
17-21-9.	Indexing of deeds and other instruments.	17-21-22.	Annual revision — Reporting changes in ownership to county assessors — Costs, how borne.
17-21-10.	Judgments affecting real estate.	17-21-23.	Assessor to return for revision.
17-21-11.	Notice imparted by recording.	17-21-24.	Repealed.
17-21-12.	Endorsements required on documents — Appendages in documents to be recorded.	17-21-25.	Names of persons signing to be typed or printed on instruments presented for filing.
17-21-13.	Endorsement of book and page and entry number in which recorded — Return of instrument, paper or notice.		

17-21-1. Books and supplies for office.

The recorder must procure from the county auditor or purchasing agent those books and supplies the business of the office requires, but orders for the same must first be obtained from the board of county commissioners. The recorder has custody of, and must keep, all books, records, maps and papers required by law to be kept or recorded in the office.

History: R.S. 1898 & C.L. 1907, § 617; C.L. 1917, § 1575; R.S. 1933 & C. 1943, 19-18-1; L. 1983, ch. 69, § 4.

Amendment Notes. — The 1983 amendment deleted a second sentence which read: "The books used may contain printed forms of deeds, mortgages or other instruments of gen-

eral use"; and made minor changes in phraseology.

Cross-References. — Fees of recorder, § 21-2-3.

Office to be maintained at county seat, office hours, § 17-16-9.

Salary, § 17-16-14.

COLLATERAL REFERENCES

C.J.S. — 20 C.J.S. Counties § 139.

Key Numbers. — Counties ⇐ 88.

17-21-2. Seal.

The county recorder shall have a seal, to be furnished by the board of county commissioners, the impression of which shall contain the following words: "State of Utah, County Recorder," together with the name of the county in which the same is to be used.

History: Code Report; R.S. 1933 & C. 1943, 19-18-2.

17-21-3. Methods of recordation authorized.

The recorder must, on the payment of the fees for the same, record in books provided for the purpose in a fair hand or by means of a typewriter, camera, microfilm, computer or other methods all papers, documents, records and other writings required or permitted by law to be recorded.

History: R.S. 1898 & C.L. 1907, § 618; L. 1915, ch. 87, § 1; C.L. 1917, § 1576; R.S. 1933 & C. 1943, 19-18-3; L. 1969, ch. 43, § 1; 1980, ch. 20, § 1.

NOTES TO DECISIONS

Indexing and abstracting.

The language of § 17-21-17, taken in connection with this section, would seem to indicate that an instrument might be "recorded," al-

though not indexed or abstracted. *Boyer v. Pahvant Mercantile & Inv. Co.*, 76 Utah 1, 287 P. 188 (1930).

17-21-4. Certified copies.

The county recorder is authorized to make and furnish to interested persons certified photographic copies of any of the records in his office upon payment of fees and charges provided therefor. Certified copies of such records may be supplied to officers of the county for their official use without the payment of any fee.

History: C.L. 1907, § 618x, added by L. 1915, ch. 87, § 1; C.L. 1917, § 1577; R.S. 1933 & C. 1943, 19-18-4.

17-21-5. Receipts for documents received for record.

On the filing of any instrument in writing for record in the recorder's office the recorder shall when requested give to the person leaving the same to be recorded a receipt therefor.

History: R.S. 1898 & C.L. 1907, § 619; C.L. 1917, § 1578; R.S. 1933 & C. 1943, 19-18-5.

17-21-6. General duties — Records and indexes.

Every recorder must keep:

(1) An entry record, in which the recorder shall immediately upon receipt of any instrument to be recorded, enter in the order of its reception or entry, as the case may be, the names of the parties thereto, its date, the hour, the day of the month and the year of filing any such statement and a brief description of the premises, endorsing upon each instrument a number corresponding with the number of such entry.

(2) A grantors' index, in which shall be indexed all deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the number of the instrument, the name of each grantor in alphabetical order, the name of the grantee, date of instrument, time of filing, kind of instrument, consideration, the book and page and entry number in which it is recorded, and a brief description of the premises.

(3) A grantees' index, in which shall be indexed all deeds and final judgments or decrees partitioning or affecting the title to or possession of real property, which shall show the number of the instrument, the name of each grantee in alphabetical order, the name of the grantor, date of the instrument, time of filing, kind of instrument, consideration, the book and page and entry number in which it is recorded, and a brief description of the premises.

(4) A mortgagors' index, in which shall be entered all mortgages, deeds of trust, liens, and all other instruments in the nature of an encumbrance upon real estate, which shall show the number of the instrument, name of each mortgagor, debtor or person charged with the encumbrance in alphabetical order, the name of the mortgagee, lien holder, creditor or claimant, date of instrument, time of filing, nature of instrument, consideration, the book and page and entry number in which it is recorded, and a brief description of the property charged.

(5) A mortgagees' index, in which shall be entered all mortgages, deeds of trust, liens, and all other instruments in the nature of an encumbrance upon real estate, which shall show the number of the instrument, name of each mortgagee, lien holder, creditor or claimant, in alphabetical order, the name of the mortgagor or person charged with the encumbrance, date of instrument, time of filing, nature of instrument, consideration, the book and page and entry number in which it is recorded, and a brief description of the property charged.

(6) An abstract record, which shall show by tracts or parcels every conveyance or encumbrance, or other instrument recorded, the date and character of the instrument, time of filing the same, and the book and page and entry number where the same is recorded, which record shall be so kept as to show a true chain of title to each tract or parcel and the encumbrances thereon as shown by the records of the office.

(7) An index to recorded maps, plats, and subdivisions.

(8) An index of powers of attorney, labeled "powers of attorney," each page divided into seven columns, namely: "date of filing," "book," "page," and "entry number," "from," "to," "revoked."

(9) A miscellaneous index, in which shall be entered all instruments of a miscellaneous character not otherwise provided for in this section, each page divided into eight columns, namely: "date of filing," "book," "page," and "entry number," "instrument," "from," "to," "remarks."

(10) An index of transcripts of judgments, labeled "transcripts of judgments," each page divided into seven columns headed, respectively, "judgment debtors," "judgment creditors," "amount of judgment," "where recovered," "when recovered," "when transcript filed," "when judgment satisfied."

(11) A general filing index in which shall be indexed all executions and writs of attachment, and any other instruments not required by law to be spread upon the records, and in separate columns he must enter the names of the plaintiffs in the execution, the defendants in the execution, the purchaser at the sale and the date of the sale, and the filing number of the documents.

The indexes provided for in subdivisions (8) to (11) shall be alphabetically arranged, and in each case a reverse index shall be kept.

(12) Nothing in this section shall preclude the use of a single name index by the recorder if such index includes and references all of the above indexes.

History: R.S. 1898 & C.L. 1907, § 620; L. 1915, ch. 45, § 1; C.L. 1917, § 1579; R.S. 1933 & C. 1943, 19-18-6; L. 1955, ch. 29, § 1; 1973, ch. 24, § 1; 1980, ch. 20, § 2; 1983, ch. 69, § 5.

Amendment Notes. — The 1983 amendment inserted the references to parcels in Subsection (6); deleted a former Subsection (7) which read: "An index of chattel mortgages, labeled 'chattel mortgages,' each page divided into seven columns, namely: 'date of filing,' 'book,' 'page,' 'canceled,' 'from,' 'to,' and 'remarks'"; redesignated the following subsections; substituted "8 to 11" in Subsection (11)

for "7 and 9 to 12"; and deleted "The indexes provided for in subdivisions 7 and 9 to 12 shall be alphabetically arranged, and in each case a reverse index shall be kept" at the end of the section.

Cross-References. — Condominium projects, duty to keep index, § 57-8-12.

Federal tax liens, § 38-6-1.

Marketable record title, notice of claim of interest, § 57-9-5.

Recording as imparting notice, § 57-3-2 et seq.

NOTES TO DECISIONS

Index.

Irrespective of whether the index is considered essential to complete recording, the rule is that it will be sufficient if enough is disclosed by the index to put an ordinarily prudent examiner upon inquiry. *Boyer v. Pahvant Mercantile & Inv. Co.*, 76 Utah 1, 287 P. 188 (1930).

Notwithstanding the requirements of some of the subdivisions of this section that the index shall show a "brief description of the premises," the record is, nevertheless, suffi-

cient to impart notice where the recorder, instead of noting the description of the property in the index, has, in lieu thereof, written the words "see record for description." *Boyer v. Pahvant Mercantile & Inv. Co.*, 76 Utah 1, 287 P. 188 (1930).

An index is no part of the record, and a mistake in it does not invalidate the notice afforded by a record otherwise properly made. *Boyer v. Pahvant Mercantile & Inv. Co.*, 76 Utah 1, 287 P. 188 (1930).

COLLATERAL REFERENCES

C.J.S. — 20 C.J.S. Counties § 139.

Key Numbers. — Counties ⇌ 88.

17-21-7. Repealed.

Repeals. — Section 17-21-7 (L. 1915, ch. 45, § 1; C.L. 1917, § 1580; R.S. 1933 & C. 1943, 19-18-7), relating to the use of special books by

the county recorder, was repealed by Laws 1963, ch. 29, § 1.

17-21-8. Maps and plats — Approval before recordation.

It shall be unlawful for any recorder to record any map or plat of a subdivision of land situated in any city or town until the same shall have been approved by the legislative authority of the city or town in which such land may be situated, or in the absence of such legislative authority by the legislative authority of the county in which the town is situated, unless such map or plat of a subdivision is attached to or forms a part of a conveyance and relates to the property or some part thereof embraced in said conveyance. And it shall be unlawful for any recorder to record any map or plat of a subdivision of land situated outside of any city or town until the same shall have been approved by the board of county commissioners of the county in which such land is situated, unless such map or plat is attached to or forms a part of a conveyance and relates to the property, or some part thereof, embraced in said conveyance. For each and every violation of this section by any recorder, his deputies or employees, the recorder shall forfeit and pay to the county the sum of \$200.

History: R.S. 1898 & C.L. 1907, § 621; C.L. 1917, § 1581; R.S. 1933 & C. 1943, 19-18-8.

NOTES TO DECISIONS

Approval under council-mayor form of government.

Under a council-mayor form of government, approval of subdivision plat by mayor pursu-

ant to an ordinance adopted by city council providing for such approval satisfies the approval requirements of this section. *Martindale v. Anderson*, 581 P.2d 1022 (Utah 1978).

17-21-9. Indexing of deeds and other instruments.

Deeds and other instruments affecting real estate made by a United States marshal, a sheriff, master in chancery, special commissioner, executor, administrator, guardian, trustee, or other person acting in behalf of another, shall be indexed in the name of the person whose land is sold or affected as grantor, and a note shall be made in the index indicating in what capacity the deed was made.

History: R.S. 1898 & C.L. 1907, § 622; C.L. 1917, § 1582; R.S. 1933 & C. 1943, 19-18-9.

17-21-10. Judgments affecting real estate.

The recorder must, when filed with him for that purpose, record in the record of deeds certified copies of final judgments or decrees partitioning or affecting the title or possession of real property any part of which is situate in the county of which he is recorder.

History: R.S. 1898 & C.L. 1907, § 623; C.L. 1917, § 1583; R.S. 1933 & C. 1943, 19-18-10.

17-21-11. Notice imparted by recording.

Every such certified copy from the time of filing the same with the recorder for record imparts notice to all persons of the contents thereof, and subsequent purchasers, mortgagees and lien holders purchase and take with the same notice and effect as if such copy were a duly recorded deed, grant or transfer.

History: R.S. 1898 & C.L. 1907, § 624; C.L. 1917, § 1584; R.S. 1933 & C. 1943, 19-18-11.

real property to be included in conveyances, § 57-3-10.

Cross-References. — Legal description of

Recordation as imparting notice, § 57-1-6.

COLLATERAL REFERENCES

C.J.S. — 20 C.J.S. Counties § 139.

Key Numbers. — Counties ⇌ 88.

17-21-12. Endorsements required on documents — Appendages in documents to be recorded.

When any instrument, paper or notice authorized by law to be filed or recorded is deposited in the recorder's office for record the recorder must endorse upon the same its proper number, the time when it was received, noting the year, month, day, hour and minute of its reception and the amount

of fees for recording, and must record the same without delay, together with the acknowledgments, proofs and certificates written upon or annexed to the same, with the plats, surveys, schedules and other papers thereto annexed, in the order received, and must note on the instrument for record the exact time of its reception.

History: R.S. 1898 & C.L. 1907, § 625; C.L. 1917, § 1585; R.S. 1933 & C. 1943, 19-18-12; L. 1967, ch. 33, § 1.

17-21-13. Endorsement of book and page and entry number in which recorded — Return of instrument, paper or notice.

The recorder must also endorse upon each instrument, paper or notice the book and page and entry number in which it is recorded, and must thereafter return it.

History: R.S. 1898 & C.L. 1907, § 626; C.L. 1917, § 1586; R.S. 1933 & C. 1943, 19-18-13; L. 1955, ch. 30, § 1; 1982, ch. 2, § 1.

Amendment Notes. — The 1982 amend-

ment deleted "upon request to the party leaving the same for record, or to his order" at the end of the section.

17-21-14. Military records — Fees — Evidence.

The county recorder upon presentation shall record in a book kept for that purpose, free of charge, honorable discharges from the military, naval or marine service of the United States, and any and all orders, citations and decorations of honor relating to any person while he was in the military, naval or marine service of the United States, and shall furnish, free of charge, certified copies of any of the same to the person to whom any of them relate and to the father, mother, brothers, sisters or any lineal descendant of such person. Such certified copies may be read in evidence with the same effect as the original in any action or proceeding before any court, commission or other tribunal in this state.

History: L. 1923, ch. 81, §§ 1-3; R.S. 1933 & C. 1943, 19-18-14.

17-21-15. Searches and abstracts — Fees and charges of county recorder — Liability of county.

In all counties in which no registered abstractor, as defined by Chapter 1, Laws of Utah, 1937 [§§ 1-1-1 to 1-1-19], resides or maintains a place of business, the recorder shall upon the application of any person and upon the payment or tender of the fees therefor make searches for conveyances, mortgages and other instruments, papers or notices recorded or filed in his office affecting the title to any property, and furnish a certified abstract thereof. If any such abstract or certificate is incomplete, erroneous or defective in any material particular affecting the property in respect to which the abstract is

requested the county shall be liable to the party aggrieved for the amount of the actual damage sustained; provided, such liability shall not accrue in favor of any person who had actual notice of the error or mistake complained of; provided, further, that all county recorders upon payment or tender of \$1.00 per hour for time and 50¢ for each certificate shall make searches for conveyances, mortgages and all other instruments affecting the title to personal property and certify to the same. If any such search or certificate is incomplete, erroneous or defective in any material particular affecting the property in respect to which the certificate is requested the county shall be liable to the party aggrieved for the amount of the actual damage sustained; provided, such liability shall not accrue in favor of any person who had actual notice of the error or mistake complained of.

History: R.S. 1898 & C.L. 1907, § 627; C.L. 1917, § 1587; R.S. 1933, 19-18-15; L. 1941, ch. 22, § 1; C. 1943, 19-18-15; L. 1943, ch. 31, § 1.

Cross-References. — Exemption from pro-

visions relating to abstracters and abstracts of title, § 1-1-18.

Fees for abstracting, § 21-2-3.

17-21-16. Acknowledgments and administrations of oaths.

County recorders may take and certify acknowledgments and administer oaths.

History: R.S. 1898, § 628; L. 1905, ch. 8, § 1; C.L. 1907, § 628; C.L. 1917, § 1588; R.S. 1933 & C. 1943, 19-18-16.

Cross-References. — Fee for taking and certifying acknowledgments, § 21-2-3.

Power to take acknowledgments, § 57-2-2.

17-21-17. Neglect of duty — Penalty.

If any recorder to whom any instrument entitled to be recorded is delivered for record:

- (1) neglects or refuses to record such instrument, paper or notice within a reasonable time after receiving the same; or,
- (2) records any instrument, paper or notice willfully or negligently untruly, or in any other manner than is hereinbefore directed; or,
- (3) neglects or refuses to keep in his office such indexes as are required by this chapter or to make the proper entries therein; or,
- (4) neglects or refuses to make the searches and to give the certificate required by this chapter; or,
- (5) alters, changes or obliterates any record or paper deposited in his office, or inserts any new matter therein; —

He shall be liable to the party aggrieved for three times the amount of damages which may be occasioned thereby.

History: R.S. 1898 & C.L. 1907, § 630; C.L. 1917, § 1592; R.S. 1933 & C. 1943, 19-18-17.

Cross-References. — Recording false or forged instrument, § 76-8-414.

Stealing, destruction or mutilation of public records by custodian, § 76-8-412.

NOTES TO DECISIONS

ANALYSIS

Indexing and abstracting.
Liability of recorder.

Indexing and abstracting.

The language of this section, taken in connection with § 17-21-3, would seem to indicate that an instrument might be "recorded," although not indexed or abstracted. An index is no part of the record, and a mistake in it does not invalidate the notice afforded by a record otherwise properly made. *Boyer v. Pahvant*

Mercantile & Inv. Co., 76 Utah 1, 287 P. 188 (1930).

Liability of recorder.

The recorder may be liable to a subsequent purchaser who sustains damage as a necessary and proximate result of official negligence. *Boyer v. Pahvant Mercantile & Inv. Co.*, 76 Utah 1, 287 P. 188 (1930).

17-21-18. Fees must be paid in advance.

The recorder shall not record any instrument, or file any paper or notice, or furnish any copies, or render any service connected with his office, until the fees for the same as prescribed by law are paid or tendered.

History: R.S. 1898 & C.L. 1907, § 631; C.L. 1917, § 1593; R.S. 1933 & C. 1943, 19-18-18.

17-21-19. Records open to inspection — Copies.

All books of record, maps, charts, surveys, and other papers on file in the recorder's office must during office hours be open to public inspection free of charge, and any person copying the same or taking notes therefrom may do so only by pencil, typewriter, photostat or microfilm.

History: R.S. 1898 & C.L. 1907, § 632; C.L. 1917, § 1594; R.S. 1933, 19-18-19; L. 1937, ch. 27, § 1; C. 1943, 19-18-19; L. 1955, ch. 31, § 1.

Cross-References. — Right to inspect and copy public writings, § 78-26-2.

17-21-20. Filing requires recordation — Exception.

All papers, notices and instruments of writing required by law to be filed in the office of the county recorder shall be recorded unless otherwise provided.

History: L. 1905, ch. 51, § 1; C.L. 1907, § 632x; L. 1915, ch. 46, § 1; C.L. 1917, § 1595; R.S. 1933 & C. 1943, 19-18-20.

17-21-21. Ownership plats.

In all counties the county recorder shall prepare and keep present-ownership maps and plats drawn to a convenient scale, which shall at all times show the record owners of each tract of land in the county, together with a description of the tract. The county recorder may not be required to trace any title back of apparent ownership as of February 6, 1899, at 12 o'clock noon. The county recorder may not be required to show ownership of condominium units, timeshare units, or timeshare estates on ownership plats.

History: L. 1899, ch. 43, § 1; 1901, ch. 99, § 1; 1903, ch. 84, § 1; C.L. 1907, § 632x1; L. 1915, ch. 88, § 1; C.L. 1917, § 1596; R.S. 1933 & C. 1943, 19-18-21; L. 1986, ch. 92, § 1.

Amendment Notes. — The 1986 amendment, effective March 17, 1986, rewrote the

former single sentence of this section, substituting the present second sentence for a proviso and also substituting "may" for "shall" therein, and added the present third sentence.

Cross-References. — Surveyor to make maps, § 17-23-5.

17-21-22. Annual revision — Reporting changes in ownership to county assessors — Costs, how borne.

The county recorder shall each year prepare copies of said ownership maps and plats and descriptions, showing record owners at noon on January 1, and shall on or before January 15 of each year transmit said copies to the county assessor, provided, however, that all changes in recorded ownership of real property made during the first seven months of each calendar year shall be reported by the county recorder to the county assessor not later than August 15 of that year and thereafter for the remainder of the calendar year the changes in the ownership of real property which are filed in the county recorder's office shall be reported each month by the county recorder to the county assessor on or before the 15th day of the month following the month in which the changes were recorded in the office of the county recorder; provided further, that these changes of ownership shall be transmitted by the recorder's office to the assessor's office on appropriate forms furnished by the recorder's office showing the current owner's name and a full legal description of the property conveyed. In those cases where only a part of the grantor's property is currently conveyed the recorder shall transmit an additional form showing a full legal description of the portion retained. The cost of making copies of maps and plats and descriptions for use of the assessor as provided in this section shall be paid for, one-half by the state and one-half by the county; provided, that in any county having an assessed valuation for the current tax year of less than \$50,000,000 plats for said year shall not exceed one per cent of the state, state school and state high school taxes levied in such county for such year; and in any county having an assessed valuation of \$50,000,000 or more for the current tax year the state's portion of the cost of making and revising maps and plats shall not exceed one-half of one per cent of the total state, state school and state high school taxes levied in such county for such year.

History: L. 1899, ch. 43, § 2; 1905, ch. 56, § 1; 1907, ch. 142, § 1; C.L. 1907, § 632x2; L. 1915, ch. 88, § 1; C.L. 1917, § 1597; R.S. 1933 & C. 1943, 19-18-22; L. 1965, ch. 34, § 1; 1985, ch. 165, § 30.

Amendment Notes. — The 1985 amendment substituted "\$50,000,000" for "\$10,000,000" in two places.

17-21-23. Assessor to return for revision.

The plat books and descriptions delivered to the county assessor by the recorder as provided in § 17-21-22 shall be returned by the assessor to the recorder for extension, alterations, and carrying to date for the ensuing year not later than the first Monday in October of each year.

History: L. 1899, ch. 43, § 3; C.L. 1907, § 632x3; C.L. 1917, § 1598; R.S. 1933 & C. 1943, 19-18-23.

17-21-24. Repealed.

Repeals. — Section 17-21-24 (L. 1907, ch. 30, § 1; C.L. 1907, § 632x4; C.L. 1917, § 1599; R.S. 1933 & C. 1943, 19-18-24), relating to re-

cording of articles of water users' associations, was repealed by Laws 1983, ch. 69, § 9.

17-21-25. Names of persons signing to be typed or printed on instruments presented for filing.

All instruments presented to the county recorder for filing shall have typed or printed on them the names of all persons whose signatures appear on the instrument whose names are required to be indexed.

Nothing contained herein shall affect the legality of the instrument to be recorded.

History: C. 1953, 17-21-25, enacted by L. 1973, ch. 25, § 1.

CHAPTER 22

SHERIFF

Section		Section	
17-22-1.	"Process," "notice," defined.	17-22-14.	Failure to levy execution — Penalty.
17-22-1.5.	County sheriff qualifications.	17-22-15.	Neglect or refusal to pay over money — Penalty.
17-22-2.	General duties.	17-22-16.	Declaring office vacant.
17-22-3.	Transfer of prisoners to state prison.	17-22-17.	Escapes — Sheriff's liability.
17-22-4.	Operation of jails.	17-22-18.	Rescues — Sheriff's liability.
17-22-5.	Separate cells for certain prisoners.	17-22-19.	Action for escape or rescue — Defenses.
17-22-6.	Service of process on prisoners — Penalty.	17-22-20.	Only written directions to sheriff binding.
17-22-7.	Special guards for jail.	17-22-21.	Process justifies sheriff's action.
17-22-8.	Care of prisoners — Manner prescribed by county commissioners — Funding of services.	17-22-22.	Process to be exhibited.
17-22-8.5.	State reimbursement for felony convicts sentenced to jail.	17-22-23.	Crier of court.
17-22-9.	Federal prisoners.	17-22-24.	Service of papers, other than process, on sheriff — Powers of successor.
17-22-10.	Prisoners under civil process.	17-22-25.	Service of process on sheriff — When constable to act.
17-22-11.	Return of process.	17-22-26.	Process on behalf of state — Fees.
17-22-12.	Return of process as prima facie evidence.		
17-22-13.	Failure or delay in making return on process — Penalty.		