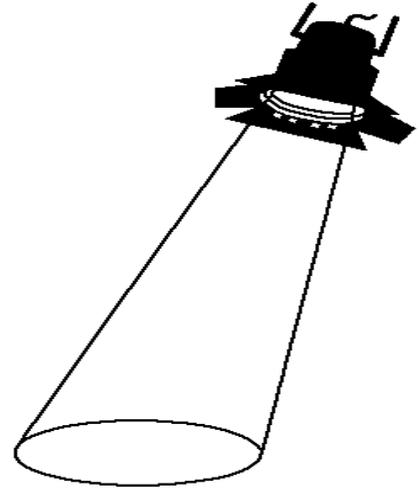




The University of Tennessee
County Technical Assistance Service

SPOTLIGHT on CURRENT ISSUES

Executive Director's Memo
April 9, 2001



REGISTERS' LEGIBILITY BILL BECOMES LAW

NEW LAW EFFECTIVE APRIL 4, 2001

On April 4, 2001, Governor Sundquist signed Senate Bill 515 (House Bill 777) into law. This new law which became effective upon the Governor's signature amends Tennessee Code Annotated, Section 66-24-101(b) regarding the authority and circumstances under which the register may refuse to register certain documents that are not legible or capable of legible recording or reproduction. This new law replaces the old subsection (b) of T.C.A. § 66-24-101, which applied only to Anderson County. *The new subsection (b) applies to ALL COUNTIES and most documents including all documents relating to real property.* This law does not apply to Uniform Commercial Code documents, corporate charters or limited partnership agreements, but does apply to all documents listed in T.C.A. § 66-24-101(a). The new law may be summarized as follows:

The county register may refuse to register any writing listed in T.C.A. § 66-24-101(a) [most of the documents recorded with the register] if such writing, in the opinion of the register, is illegible or cannot be legibly recorded or reproduced, *unless* the person seeking to register the writing attaches to it for recording an affidavit providing the following:

- ★ A statement that the writing is the best available original
- ★ The type of document or instrument
- ★ The grantor(s) and grantee(s)
- ★ The date of execution
- ★ The name of the person or persons authenticating or acknowledging the signature of the grantor, and their title, if any

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- ★ **A description of the real property, if any, being affected by the writing**
- ★ **All other information or recitals required by law for the registration of the writing that would otherwise be placed on the writing itself**

The new law makes clear that if the register initially refuses to record a document due to illegibility, *the register must nevertheless record it if a proper affidavit which includes all of the information noted above is attached to the writing desired to be registered.* Otherwise, the register may refuse to record the document. The person attaching the affidavit in order to record the illegible document must pay recording fees for these extra pages just as if these pages were a part of the original document.

If you have any questions concerning this new law, please contact your regional CTAS consultant.

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