

Rev.8/2009

**MERRIMACK COUNTY REGISTRY OF DEEDS
STATUTORY REQUIREMENTS FOR RECORDING**

In order to furnish the best possible service to the public, this office is enforcing strict, literal interpretation of the following statutes relating to the recording of documents in the State of New Hampshire. Your compliance with these statutes would greatly simplify this important job. Thank you.

I. NH RSA 478:4 RECORDING. Should be on material, with markings, and of a size, to insure suitable, permanent recording thereof.

NH RSA 478:4-a II All documents shall be suitable for reproduction as determined by the Register of Deeds, who shall provide document standards as amended and adopted by the NH Registers of Deeds.

In order to insure suitable, permanent recording of all original documents presented for recording in this Registry of Deeds, and in order to insure the capability of reproducing copies thereof for use in your profession, the following requirements MUST be met:

- 1. Clean White 20 pound paper without any watermarks.**
- 2. Clean typewriter or printer with ribbon in GOOD condition which will produce sharp, clear BLACK print in a minimum of 10 point Times New Roman font.**
- 3. ALL Signatures executed in DARK BLACK or DARK BLUE ink. No other colors will be accepted.**
- 4. Seals impressed firmly and clearly and not covering any letters or wording. Justice & Notary expirations printed clearly in BLACK ink. Name of Justice Must be printed legibly or typed under signature.**
- 5. ORIGINAL DOCUMENTS with ORIGINAL SIGNATURES ONLY, NO Machine or carbon copies, NO Fax copies or Copies of fax documents allowed. A certified copy MAY be accepted at the Register's discretion, when the original document is on record in another governmental office.**
- 6. FIRST PAGE TOP MARGIN OF THREE INCHES to allow space for docket markings. ALL OTHER MARGINS MUST be a MINIMUM of ONE INCH to allow for complete capture of all information within the parameters of either letter or legal size paper.**
- 7. No foreign objects attached or glued to pages. No double sided, continuous forms or bound sheets. Do not use colored markers to highlight text. Stamps and seals should not cover or overlap pertinent information. It is usually better to add a new page, referring to See Exhibit A or See attachment.**

8. Paper size not to exceed legal size of 8 1/2 x 14, letter size paper of 8 1/2 x 11 preferred, but not required. One sided pages only.

9. Reduced print is Not Acceptable. These are reduced even further when microfilmed. Minimum acceptable font size is 10 point Times New Roman.

II. *NH RSA 478:4a*. FORM OF RECORDS. Strict, Literal interpretation of the three points contained in this statute is required.

I. The Register of Deeds shall NOT accept a deed or instrument for filing and recording UNLESS it recites the following information.

(A) The latest mailing address of the grantees named in the deed or instrument.

(B) In the first sentence of the first description paragraph, the names of ALL Municipalities in which the property is located.

C. The name of each person signing the deed or instrument as a party to the transaction printed or typewritten under the signatures.

Letters A & C are self-explanatory. Letter B means the names of ALL Municipalities wherein ALL of the real property being transferred is located SHALL be recited in a separate sentence at the BEGINNING of the description.

i.e. One or more parcels in one town- Certain parcel/s of land situated in Concord.

One or more parcels situated in more than one town- Certain parcels of land situated in Concord, Bow and Bradford.

IV. PARTIAL RELEASES, DISCHARGES of Mortgages or attachments, etc. should have accurate reference to the document being discharged.

478:4-b RECORDS; SOCIAL SECURITY NUMBERS AND FINANCIAL INFORMATION.

I. The preparer of a document shall not include an individual's social security number, armed forces service number, credit card number, or deposit account numbers in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents that are recorded with the register of deeds. Preparer shall not include any person who hires, requires, refers, pays, or requests that the documents be drafted or recorded.

II. If a deed or instrument that includes an individual's social security number, armed forces service number, credit card number, or deposit account numbers, was filed with the register of deeds and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from its files which are available on the Internet. Upon request, the information shall be redacted.

III. The register of deeds shall comply with an individual's request to redact his or her social security number, armed forces service number, credit card number, or deposit account numbers within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good cause shown.

Effective Date: August 8, 2009

478:4-c Violation; Enforcement. – An individual aggrieved by a violation of RSA 478:4-b, I may bring against the preparer:

I. An action to enjoin such violation.

II. An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

III. Both such actions

NH RSA 78-B:1 TRANSFER TAXES

I. (a) A tax is imposed upon the sale, granting and transfer of real estate and any interest therein including transfers by operation of law. Each sale, grant and transfer of real estate, and each sale, grant and transfer of an interest in real estate shall be presumed taxable unless it is specifically exempt from taxation under RSA 78-B:2.

(b) The rate of the tax is \$.75 per \$100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$20. The tax imposed shall be computed to the nearest whole dollar.

II. [Repealed.]

III. This section shall be construed in all respects so as to meet all constitutional requirements. If any provision or clause of this section is held invalid, such invalidity shall not affect other provisions of the section.

IV. For the purposes of this chapter, manufactured housing, as defined by RSA 674:31, shall be deemed real estate at such time as it is placed on a site and tied into required utilities.

REV 803-03 Stating Exemptions claimed on the Deed. Any instrument to be recorded transferring real estate, or an interest in real estate, for which an exemption, pursuant to RSA 78-B is claimed, shall state the basis for exemption.

478:1-a RECORDING OF PLATS:

I. No register of deeds shall file or record a plat of a subdivision, or a plat prepared for the purpose of showing existing property lines, if such plat has not been prepared and certified by a licensed land surveyor, since July 1, 1981, or by a registered land surveyor between January 1, 1970 and June 30, 1981, and any such filing or recording shall be void. For the purposes of this section the definition of the word ""subdivision" shall be that contained in RSA 672:14. A ""plat" for the purpose of this section shall be a map of a specific land area whose boundaries are defined by metes and bounds. A plat may show:

(a) Newly created parcels, streets, alleys, and easements as in a subdivision; or

(b) A lot-line-adjustment or site plan depicting existing parcels defined by legal descriptions contained in deeds, grants, or other legal documents.

II. Each register of deeds shall establish a policy for providing adequate space, on the plat, for recording the registry plan number and recording information.

III. The register of deeds shall refuse for recording any map that does not meet the definition of a plat under paragraph I and any plat that does not contain the information or meet the specifications required by this section. Construction plans, construction details, and maps that do not define the limits or extent of legal rights or interest in land shall not be recorded.

IV. All plats shall be drawn with the following sizes: 8.5" x 11," 11" x 17," 17" x 22," 22" x 34," or such specifications and sizes as may be required by the register of deeds. The material composition of the plats shall be suitable for electronic scanning and archiving by the register of deeds.

V. All plats shall have a minimum of 1/2 inch margins on all sides.

VI. All text and dimensions shall be legible for reproduction, and the text sizes shall be no smaller than .08 of an inch for mechanical drafting and 1/8 inch for hand drafting.

VII. All certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

VIII. All title blocks shall be located in the lower right hand corner, when possible, and shall indicate the following:

(a) Type of survey, such as a boundary survey, subdivision, American Land Title Association (ALTA) survey, or lot line adjustment.

(b) Owner of record.

(c) Title of plat or development.

(d) Tax map number.

(e) Name of the town in which the parcel is located.

(f) Plat and revision dates.

IX. All plats shall have a scale both as a written and graphic representation.

X. All plats shall have a north arrow with reference to magnetic grid or astronomic north, as applicable. The north arrow shall be labeled with its reference direction.

XI. Shading over any text shall not be permitted on any plat. Cross hatching or other hatching at a scale large enough not to interfere with text legibility, before and after reproduction, may be permitted.

XII. No lines, whether hatching, boundary lines, or topographic contours shall obstruct or interfere with the legibility, either before or after reproduction, of any bearings, dimensions, or text.

XIII. The minimum line widths on plats shall not be smaller than .01 inches.

REGISTRY REQUIREMENTS REGARDING PLANS:

In order to insure permanent and archival quality, as well as suitable reproduction, the following requirements **MUST** be met:

1. **Original Mylar or photographic (Washoff) mylar or Ink Jet reproductions are acceptable.**
2. **The Plan MUST be drawn with PERMANENT BLACK INK.**
3. **The plan must have ORIGINAL SIGNATURES IN PERMANENT BLACK INK.**
4. **No diazo or xerographic plans will be accepted.**
5. **No affixed transparencies will be accepted.**
6. **A 1" x 7" space in upper left hand corner, under border of plan for exclusive use of Registry for plan recording information.**

RSA 674:37 RECORDING OF PLATS. After the certificate of notice referred to in *RSA 674:35, II* and the regulations referred to in *RSA 674:36* have been filed with the appropriate recording officials, no plat shall be filed or recorded **UNLESS IT IS PREPARED AND CERTIFIED BY A LICENSED LAND SURVEYOR** since July 1,1981, or be a Registered Land Surveyor between Jan. 1,1970 and June 30,1981 **AND** until it has been approved by the planning board and such approval has been endorsed in writing on the plat in such manner as the planning board may designate, except as provided in *RSA 676:18 II* and *III* and *676:4,I(c)*. The filing or recording of a plat or of a subdivision without the requisite approval of the planning board, **OR WHICH HAS NOT BEEN PREPARED AND CERTIFIED BY A LICENSED LAND SURVEYOR, OR** by a Registered land surveyor as provided in this section shall be void. (Eff. 1/1/96)

RSA 676:18. REGISTER OF DEEDS

I. A Register of Deeds who files or records a plat of a subdivision without the approval of a planning board shall be guilty of a misdemeanor.

II. Notwithstanding the provisions of paragraph I, the Register of Deeds shall accept for recording a plat PREPARED AND CERTIFIED BY A LICENSED LAND SURVEYOR OR by a former Register land surveyor IF SUCH PLAT BEARS A CERTIFICATE by a LICENSED or Registered land surveyor that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provision of this chapter. Amended and Eff 1/1/96.

II-a. Notwithstanding the provisions of paragraphs I or II. The Register of Deeds may accept for recording a plat without the Licensed land surveyors seal IF such plat was in existence on *December 31,1969*, Or if the plat has been incorporated into deeds or other instruments recorded BEFORE town zoning ordinances OR planning board subdivision regulations, or both, became effective in that particular town. (New eff. 7/7/89 amend eff. 6/5/90)

III. The certificate by a Licensed land surveyor shall be in the following form:

I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown.

Date: _____

Licensed Land Surveyor
SEAL

IV. Prior to recording any plat in the Registry of Deeds, the Surveyor SHALL file, for information purposes only, a copy of the survey with the town planning board.

V. All decisions of the district, superior, and supreme courts which affect property boundaries, shall be recorded by the Register of Deeds in the Registry of deeds for the County in which the site is situated and, upon recordation, such decision shall run with the land. Subsequent to any probate court decision creating divisions of land, a survey plat shall be prepared by a Licensed land surveyor, which, if approved by the probate court, shall be recorded along with the courts= decision, at the Registry of Deeds without local planning board approval. The recording of such decision or plat, however, shall not be deemed to authorize any transfer or development of the property in violation of any applicable local land use regulations adopted pursuant to this title. New sec. Eff. 7/7/89 Rev. eff. 1/1/96

RSA 672:14. SUBDIVISION

I. Subdivision means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

II. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

III. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

IV. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, ""wireless communications facilities"" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.

478:17-g RECORDING FEES AND SURCHARGE. SEE ALSO 478:17-j

Recording Fees and Surcharge. – Unless otherwise specified, the register of deeds in each county shall be entitled to the following fees and shall collect the land and community heritage investment program surcharge as follows:

I. The charge for recording each document shall be \$10 for the first recorded page plus \$4 for each additional recorded page. The charge for assignments of mortgages shall be \$10 for the first recorded page, including the first mortgage assigned, plus \$5 for each additional mortgage assigned plus \$4 for each additional recorded page. The charge for recording a discharge of a mortgage, a release of a lien, or filings pursuant to RSA 21-J, RSA 260, RSA 282-A, RSA 382-A, RSA 439, RSA 450, RSA 454-B, RSA 498, RSA 511, or RSA 511-A shall be \$15 for the first recorded page plus \$4 for each additional recorded page. The charge for recording each plan shall be \$9 for the first 200 square inches or portion thereof and \$2.50 for each additional 100 square inches or portion thereof. The charges provided for herein shall include the register's responsibility to provide information in compliance with RSA 478:14.

II. (a) An additional charge of \$25 shall also be assessed for recording each deed, mortgage, mortgage discharge or plan, but shall not be assessed for the recording of any other document. The charge provided for herein shall be paid by the grantee in a deed, the grantor in a mortgage, the person or entity discharging a mortgage in the case of a discharge, and the primary owner of property shown on a plan. The charge provided for in this section shall not be assessed for the recording of any documents in which the United States or any instrumentality thereof, the state, a state agency, a county, a municipality, a village district, or a school district is a party.

(b) The collection of the assessment provided for by this section shall be administered by the commissioner of the department of revenue administration, and all powers and duties available to the commissioner to enforce and administer laws under RSA 21-J and RSA 78-B shall apply to the administration and enforcement of this paragraph. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph. Each register of deeds shall retain 4 percent of the total additional charges collected as payment for the service of collecting the additional charges, which shall be deducted prior to remitting the revenue collected.

(c) Each register of deeds shall remit the additional charges collected under subparagraph (a) to the department of revenue administration monthly or more often. All funds received shall be paid over to the state treasurer for deposit in the trust fund for the land and community heritage investment program established under RSA 227-M:7.

(d) The payment of the additional charge imposed by subparagraph (a) shall be evidenced by stamps, or other indicia as approved by the commissioner of the department of revenue administration, attached to the recorded instrument.

III. For copying any document or providing any other service, the charge shall be established and posted by the register of deeds.

Eff.7/1/2008

478:17-j Register of Deeds Equipment Account.

I. The provisions of this section shall apply in a county only after they have been approved by a majority vote of both the county commissioners and the county convention.

II. (a) There is hereby established in the county treasury a register of deeds equipment account. If the county commissioners and the county convention vote to adopt the provisions of this section, the register of deeds shall impose a surcharge not to exceed \$2, the exact amount of which shall be set by the register, for recording each document for which the register of deeds imposes a fee under RSA 478:17-g. The surcharge shall be on a per document, and not on a per page basis. After the surcharge is adopted, it shall take effect on the first day of January following the annual budget acceptance by the county convention. Each register of deeds shall provide reasonable public notice that a surcharge shall be imposed along with the exact amount of the surcharge, at least 60 days prior to the date on which the surcharge takes effect.

(b) Once each month, the register of deeds shall pay over to the county treasurer all surcharges paid to the register. All surcharges received by the county treasurer shall be deposited in the register of deeds equipment account.

(c) The register of deeds equipment account shall be a separate, nonlapsing account, and the moneys in the account shall not be available for use as general revenue of the county. All interest earned on the account shall be credited to the equipment account. The moneys in the account shall be appropriated only for the use of the office of the register of deeds, and any such appropriation shall require prior approval by a majority vote of both the county commissioners and the county convention. Moneys in the account may only be used for the purchase, rental, or repair of equipment.

III. The register of deeds shall not impose the surcharge, which shall not exceed \$2 as provided in paragraph II, whenever the moneys in the equipment account exceed \$500,000.

Source. 1993, 175:1, eff. Aug. 8, 1993

Please see separate chart for fee schedules.

Separate checks are required for Recording fee payment, Transfer Tax payment and payment of "LCHIP" Land & Community Heritage Investment Program.

All checks are made payable to: Merrimack County Registry of Deeds.