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COUNTY OF ERIE

CHRISTOPHER L. JACOBS
COUNTY CLERK

March 1, 2013

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Erie County Clerk –
Memoranda of Understanding – Registered Submitters for Electronic Recording

Dear Honorable Members:

The Clerk's office continues to implement process improvements as we move toward digital record-keeping and away from paper records. Erie County is on track to be one of the first counties in New York State to offer Electronic Recording (eRecording) of Land Records.

In order to comply with the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR") the Clerk, as the Recording Officer, must establish terms and conditions that must be met and agreed to by anyone that wishes to submit land records electronically. The attached resolution seeks authorization for the County Clerk to execute the necessary Memoranda of Understanding outlining specific terms and conditions on an as needed basis.

Should your honorable body require further information, representatives from the Clerk's Office will be available to discuss. Thank you for your consideration on this matter.

Sincerely,

CHRISTOPHER L. JACOBS
Erie County Clerk

Attachment

ERIE COUNTY HALL • 92 FRANKLIN STREET • BUFFALO, N.Y. • 14202 • PHONE: (716) 858-8865 • FAX: (716) 858-6550

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Christopher L. Jacobs, Erie County Clerk
RE:	**Erie County Clerk – Memoranda of Understanding – Registered Submitters for Electronic Recording**
Date:	**March 1, 2013**

SUMMARY

Authorization is requested to allow the Erie County Clerk to execute Memoranda of Understanding ("MOU"), on an as needed basis, that establish terms and conditions for any person or entity that desires to transmit to the Erie County Clerk's Office ("Recording Officer") for electronic recording of instruments affecting real property, subject to all applicable laws, rules and regulations.

FISCAL IMPLICATIONS

None. There are no additional fees/charges due to the County as a result of this MOU. The County Clerk will continue to receive all fees and charges heretofore statutorily agreed to or required.

REASONS FOR RECOMMENDATION

Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow Recording Officers in the State of New York to accept the electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York. Such rules and regulations are set forth in Title 9, Part 540, of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"). The NYCRR provides that prior to submitting electronic instruments to the Recording Officer the submitter must agree to terms and conditions as set forth and required by the Recording Officer. A submitter entering into this MOU will be known as a Registered Submitter.

The Erie County Clerk, as Recording Officer, expects that multiple entities and individuals will desire to record documents by electronic means. The MOU will outline the terms and conditions that must be adhered to in order to become a Registered Submitter with the Erie County Clerk's Office. Such terms and conditions will be pursuant to the terms and conditions set forth in Title 9, Part 540.7 of the NYCRR.

CONSEQUENCES OF NEGATIVE ACTION

The Erie County Clerk's Office will not be able to offer an eRecording option to customers doing business in Erie County.

STEPS FOLLOWING APPROVAL

The Erie County Clerk's Office will draw up a Memorandum of Understanding in coordination with the County Attorney's Office. Every party that desires to become a Registered Submitter with the Erie County Clerk's Office will be required to execute an MOU agreeing to the terms and conditions therein.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY CLERK

RE: Erie County Clerk –
Memoranda of Understanding – Registered Submitters for Electronic Recording

WHEREAS, the Erie County Clerk Registrar's Division is responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions; and

WHEREAS, the Erie County Clerk serves as the Recording Officer for such documents; and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow Recording Officers in the State of New York to accept the electronic recording of instruments affecting real property (eRecording), subject to the rules and regulations established by the State of New York; and

WHEREAS, such rules and regulations are set forth in Title 9, Part 540, of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR"); and

WHEREAS, the NYCRR provides that prior to submitting electronic instruments to the Recording Officer for recording the submitter must agree to terms and conditions as set forth and required by the Recording Officer; and

WHEREAS, in order to submit documents electronically to the Erie County Clerk for recording purposes all submitters must sign a Memorandum of Understanding (MOU) that clearly outlines the requirements to electronically record documents with the Erie County Clerk's Office; and

WHEREAS, all eRecording fees collected by the County will be those allowed under the Clerk's statutory powers and no additional fees will be charged or collected by Erie County for the purpose of eRecording.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Clerk to execute eRecording Memoranda of Understanding on an as needed basis; and be it further

RESOLVED, that said MOU will outline specific rules and regulations established by the State of New York; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk and the Department of Law.