

House Bill 3119

Sponsored by Representative THATCHER (at the request of Oregon Association of County Clerks)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits county clerks from removing instrument or redacting extraneous information in instrument properly filed and recorded. Provides county clerks with immunity from liability for refusing to remove instrument or redact extraneous information.

A BILL FOR AN ACT

1
2 Relating to county clerks; creating new provisions; and amending ORS 205.244.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 205.244 is amended to read:

5 205.244. (1) **When an instrument has been properly filed and recorded, the county clerk**
6 **may not remove the instrument from the records or redact extraneous information from the**
7 **instrument.**

8 [(1)] (2) Any instrument that has been previously recorded may be rerecorded to make cor-
9 rections in the original instrument.

10 [(2)] (3) The county clerk shall record any instrument presented for rerecording as provided in
11 subsection [(1)] (2) of this section. The corrected instrument need not be acknowledged again. The
12 person presenting the instrument for rerecording shall cause a rerecording certificate to be affixed
13 to the first page of the instrument or added as a new first page to the instrument. The rerecording
14 certificate shall contain the words "RERECORDED TO CORRECT _____. PREVIOUSLY RE-
15 CORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

16 [(3)] (4) A county clerk shall not incur civil or criminal liability, either personally or in an of-
17 ficial capacity, for:

18 (a) **Refusing to remove an instrument or redact extraneous information from an instru-**
19 **ment that was properly filed and recorded in the records of the county.**

20 (b) Recording a corrected instrument under this section.

21 **SECTION 2.** The amendments to ORS 205.244 by section 1 of this 2007 Act apply to in-
22 **struments filed or recorded before, on or after the effective date of this 2007 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.