



## Documents Recorded by the Kootenai County Recorder's Office

The Kootenai County Recorder's Office only records documents that are specifically required or authorized by state or federal law to be recorded with the Kootenai County Recorder. *See* Idaho Code § 31-2402. The Idaho Constitution created the County Recorder and stated that the Recorder must perform duties as prescribed by law. Idaho Constitution, Article XVIII, §§ 6, 11. Idaho Code § 31-2402 is the main statute that governs the recording of documents with the Kootenai County Recorder's Office. It specifically authorizes the Recorder to refuse to record any document that, in his or her discretion, and through consultation with the county prosecutor, is not authorized by law to be recorded. In consultation with the Prosecutor, the Kootenai County Recorder has reviewed the Idaho Code and the Idaho Recorder Law Manual published by the Idaho Attorney General's Office, and has determined which documents are legally eligible for recording and which are not. This document provides the public with a guide to what is and what is not accepted by the Kootenai County Recorder's Office for recording.

A. **Documents Accepted for Recording.** Upon payment of the required fees, pursuant to Idaho Code § 31-2402, the Kootenai County Recorder's Office will accept the following records for recording:

- (a) Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate and leases which have been acknowledged or proved and transcripts of judgments or decrees which affect the title or possession of real property, including water rights, any part of which is situate in the county of which the person is the recorder.
- (b) Certificates of marriage and marriage contracts.
- (c) Wills admitted to probate.
- (d) Official bonds.
- (e) Notices of mechanics' liens.
- (f) Transcripts of judgments which by law are made liens upon real estate.
- (g) Notices of attachments upon real estate.
- (h) Notices of the pendency of an action affecting real estate, the title thereto or possession thereof.
- (i) Instruments describing or relating to the separate property of married women.
- (j) Notices of preemption claims.
- (k) Certified copies of any petitions, with the schedules omitted, filed [filed] in, and certified copies of any order or decree made or entered in, any proceeding under the national bankruptcy act.
- (l) Financing statements under the uniform commercial code which cover timber to be cut, minerals or the like (including oil and gas), pursuant to section 28-9-301, Idaho Code, or fixtures.
- (m) Notice of order of a general adjudication in conformance with section 42-1408, Idaho Code.
- (n) Such other writings as are required or permitted by law to be recorded.

Idaho Code § 31-2402(n) states that the Kootenai County Recorder may record "other writings as are required or permitted by law to be recorded." The Office of the Idaho Attorney General has published the Idaho Recorder's Law Manual, and this manual guides the Kootenai County Recorder in its duties. This manual provides an excellent compilation of statutes governing documents that may be accepted by the Kootenai County Recorder's Office for recording. The Idaho Recorder's Law Manual is on the web at: <http://www.ag.idaho.gov/publications/LegalManuals/IdahoRecordersLaw.pdf>.

Upon payment of the required fees, the Kootenai County Recorder will accept the following records for recording based upon the Idaho Recorder's Law Manual, the guidance of the Idaho Attorney General's Office, and the statutes listed below.

| <b>Document Type</b>   | <b>Section(s) of Idaho Code Providing Authority</b> |
|--|---|
| Attorney Fee Lien<br><i>To be recordable, either 1) the lien claim must have been validated by judgment or court order and a certified copy thereof is presented for recordation; OR 2) an instrument securing (or purporting to secure) payment of attorney's fees, such as a mortgage or deed of trust, has been presented for recordation and meets the legal requirements for recordation.</i> | 3-205   |
| Certificates of Sale   | 11-310 and 31-2406                                  |
| Redemptions from judgments   | 11-403  |
| Conservator's Lien (Board of Community Guardian)   | 15-5-602  |
| Agreements to Pass Property at Death to Surviving Spouse (Community Property Agreements)   | 15-6-201  |
| Agricultural nuisance waivers  | 22-4504   |
| Leases of Livestock  | 25-2001   |
| Bank Mergers and Affiliations  | 26-905 and 26-1402                                  |
| Statements of Authority as to Real Property (Unincorporated Nonprofit Associations)  | 30-27-107   |
| Water or Canal Corporation Annual Report   | 30-806  |
| Fire Protection District Formation Orders  | 31-1407   |
| Fire Protection District Annexation or Consolidation Orders  | 31-1411, 31-1412, 31-1413                           |
| Appointments/Oaths of Deputy Elected Officials   | 31-2007   |
| County Financial Assistance Liens  | 31-3504 and 31-3510A                                |
| Notices of Forfeiture of Real Property   | 37-2744A  |
| Slash Disposal Liens   | 38-123  |
| Hospital District Formation Orders   | 39-1325   |
| Highway District Annexation Orders   | 40-1621   |
| Acquisition, Abandonment or Vacation of Highway or Public Right of Way   | 40-202 and 40-203                                   |
| Requests for Acknowledgment of Federal Land Right of Way   | 40-204A   |
| Carey Act Water Rights Lien  | 42-2026 and 42-2027                                 |
| Sale of Water Rights   | 42-2603 and 42-2604                                 |
| Drainage District Assessment Rolls   | 42-2935   |
| Flood Control District Formation Order   | 42-3108   |
| Water District Corporate Fidelity Bond   | 42-3209   |
| Aquifer Recharge District  | 42-4228 and 42-4230                                 |

(table continues on next page)

| <b>Document Type</b>   | <b>Section(s) of Idaho Code Providing Authority</b> |
|--|---|
| Ground Water Management District Formation Order                             | 42-5103   |
| Ground Water Management District Exclusion Order                             | 42-5131   |
| Ground Water District Formation Order  | 42-5213   |
| Ground Water District Boundary Change  | 42-5250   |
| Ground Water District Exclusion Order  | 42-5256   |
| Water Liens  | 42-906  |
| Irrigation District Boundary Changes   | 43-1010   |
| Irrigation District Loss of Water Right                                      | 43-1119   |
| Irrigation District Oaths and Bonds  | 43-202  |
| Irrigation District Annexation Orders  | 43-2411   |
| Irrigation District Contracts  | 43-330D   |
| Irrigation District Payment Certificates                                     | 43-616  |
| Irrigation District Delinquencies  | 43-711  |
| Notice of Federal Liens  | 45-202  |
| Liens of Mechanics and Materialmen   | 45-509  |
| Hospital, Nursing Care and Medical Care Liens                                | 45-702 and 45-703                                   |
| Homeowners' Associations   | 45-810  |
| Plats  | 50-1310   |
| Forced Plats   | 50-1314   |
| Vacations  | 50-1324   |
| Urban Renewal Plans and Transfers of Property by an Urban Renewal Agency     | 50-2011   |
| Prospecting and Mining Contracts   | 53-411  |
| Condominium Instruments  | 55-1508   |
| Corner Perpetuation and Filing (CP&F)  | 55-1607   |
| Records of Survey  | 55-1904   |
| Conservation Easements   | 55-2102   |
| Any instrument or judgment affecting title to or possession of real property | 55-801  |
| Affidavits   | 55-816  |
| Declarations of Homestead  | 55-1004   |
| Declarations of Non-Abandonment of Homestead                                 | 55-1006   |
| Homestead Claims   | 58-903  |
| Idaho Public Utility Commission Orders                                       | 61-608  |
| Tax Deed Affidavits of Compliance  | 63-1005   |
| Assessment Forced Plats  | 63-210 and 50-1314                                  |
| Taxing District Legal Description and Map                                    | 63-215  |
| Manufactured Home Statement of Intent  | 63-304  |
| Military Discharge Orders (DD-214)   | 65-301  |
| Historic Property Sites  | 67-4615   |

This is not an exhaustive list. If you believe that federal or state law specifically authorizes or permits the Kootenai County Recorder to accept a document for recording that is not listed above, please identify the specific provision by legal reference. The Kootenai County Recorder's Office will then consider your request.

**B. Documents Not Accepted for Recording.** The Office of the Idaho Attorney General has advised Idaho Recorders in the Idaho Recorder's Law Manual that Idaho Code § 31-2402 can be read to be "exclusionary." Unless specifically included in Idaho Code § 31-2402, including "such other writings as are required or permitted by law to be recorded," a document is not eligible for recording.

Therefore, unless a document is specifically permitted or required by federal or state law to be accepted by the Kootenai County Recorder for recording, it will not be accepted. The following are examples of documents that are not accepted for recording:

- Improperly executed documents
- Improperly acknowledged documents
- Documents not in English, unless translation is included in document
- Documents required to be filed with the Idaho Secretary of State, including UCC filings, agricultural commodity dealer liens, and state liens governed under Title 45, Chapter 19, Idaho Code, **EXCEPT** when such documents are intended to perfect a lien against real property. A legal description of the real property subject to the lien must be included in the document.
- Documents not statutorily entitled to be recorded, including, without limitation, the following:
  - Affidavit of Truth (*Note:* Affidavits relating to real property located within Kootenai County, including those pertaining to "identity of persons," may be recorded under Idaho Code § 55-816.)
  - Allegiance
  - Allodial Title
  - Citizenship/ De Jure Citizenship
  - Copyrights
  - Denial of corporate existence
  - Declarations (9<sup>th</sup>, 14<sup>th</sup> Amendment etc.)
  - For the Record
  - Independence
  - Land Patents
  - Notice by Declaration
  - Public Notice
  - Nullification
  - Oath of Purgatory
  - Rights
  - Sovereignty
  - Trademarks

**C. Fees.** Idaho Code § 31-3205 lists Recorder's fees. Generally, to record a document, it is \$10 for the first page and \$3.00 for subsequent pages. A list of fees can also be located on the web at:

<http://www.kcgov.us/departments/recorder/documentrecording.asp>.