

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

Revised 6/2006

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. 1. Clean white 20-pound paper without any watermarks. (Neither sheer copy nor onionskin is suitable.)
2. 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. 3. Signatures executed in dark **BLACK** ink. Dark blue ink may be accepted.
4. 4. Seals impressed firmly and clearly. Justice & Notary expirations printed clearly in **BLACK** ink. Name of Justice **MUST** be printed legibly or typed under signature.
5. 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. 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. 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. 8. Paper size not to exceed legal size of 8 ½ x 11 preferred, but not required. One sided pages only.
9. 9. Reduced print is **NOT ACCEPTABLE**. These are reduced even further when microfilmed. Font size no smaller than 10-point Times New Roman.

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

1. The Register of Deeds shall **NOT** accept a deed or instrument for filing and recording **UNLESS** it recites the following information.
 - A. A. The latest mailing address of the grantees named in the deed or instrument.
 - B. B. In the first sentence of the first description paragraph, the names of **ALL** Municipalities in which the property is located.
 - C. 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.

TRANSFER TAXES

III. NH RSA 78-B:1

A tax imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the Tax is .35 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 \$14.00. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

RATE OF TAX FOR BIENNIUM EFFECTIVE JULY 1, 2003

Notwithstanding the provisions of RSA 78-B:1, for the period beginning July 1, 2003 and ending June 30, 2007, 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 \$20.00.

i.e. Total tax equals \$15.00 per \$1,000 of purchase price or \$40.00 for \$4,000 or less purchase price.

NH RSA 78-B:4 I.

The purchaser, grantee, assignee or transferee of any real estate or any interest in real estate shall buy and attach stamps or other indicia approved by the commissioner of revenue administration to the instrument by which the real estate or interest in real estate is sold, granted, assigned or transferred. The stamps or other indicia shall indicate the full consideration paid for the real estate or interest in real estate. The amount paid for each stamp shall be computed to the nearest whole dollar.

NH RSA 78-B:4 II. The seller, grantor, assignor or transferor of any real estate or any interest shall buy and attach stamps (rest of section II same as Section I).

NH RSA 78-B:4 III. PAYMENT OF TAX.

The rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor.

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

V. RECORDING PLANS: NEW SECTION EFF. JANUARY, 2005

NH RSA 478:1:0 RECORDING OF PLATS.

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 purpose of this section, the definition of the work subdivision shall be that contained in RSA 672:14.

REGISTRY REQUIREMENTS REGARDING PLANS; SEE RSA 478:1A 1-XIII

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

1. Original (Mylar or Linen) or photographic (Washoff) mylar or ink jet reproduction 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.

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 January 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. 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 Lane 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 is not a subdivision pursuant to this title and that the lines of street 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 Effective 1/1/96.

II-a. Notwithstanding the provisions of paragraph 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 ordinance **OR** planning board subdivision regulations, or both, became effective in that particular town. (New effective 7/7/89 amended effective 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, is approved by the probate court, shall be recorded along with the court's 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 section effective 7/7/89, Revision effective 1/1/96.

RSA 478:1-a. RECORDING OF PLATS. 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 purpose of this sections the definition of the word "subdivision" shall be that contained in RSA 672:14. New section effective 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, related 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.

RECORDING FEES – SEE NEW SECTION EFFECTIVE 8/8/93

RSA 478:17-g. FEES: Unless otherwise specified, the Register of Deeds shall be entitled to the following fees:

I.

For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$10.00 for the first page plus \$4.00 for each additional recorded page, except that assignments of mortgages shall be \$10.00 for the first assignment per recorded page plus \$5.00 for each subsequent mortgage being assigned, plus \$4.00 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 382-A, or discharge of a lien shall be \$15.00. Filing officers shall be entitled to a \$4.00 charge for each additional page of filing pursuant to RSA 382-A. These charges shall include all charges for information furnished in compliance with RSA 478:14. Amendment effective 7/16/89; Amendment effective 2/21/90.

II.

For recording plans, \$9.00 for the first 200 square inches or part thereof and \$2.50 for each additional 100 square inches or part thereof. Amendment effective 7/16/89.

III.

For copying any document or providing any other service, the charge shall be established and posted by the Register of Deeds.

NEW SECTION RSA 478:17-J

REGISTER OF DEEDS EQUIPMENT ACCOUNT.

I.

The provision 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 Commissioner and the County Convention vote to adopt the provisions of this sections, the Register of Deeds shall impose a surcharge not to exceed \$2.00, 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.

The Register of Deeds Equipment Account shall be a separate, non-lapsing account, and the moneys in the account shall not be available for use as general revenue to 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 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.

II.

The Register of Deeds shall not impose the surcharge, which shall not exceed \$2.00 as provided in paragraph II, whenever the moneys in the equipment account exceed \$500,000.00.

Approved June 9, 1993
Effective August 8, 1993

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