

**Hamilton County Recorder's Office  
Electronic Recording  
Memorandum of Understanding**

Definitions

As used in the following:

- (A) "County" means Hamilton County Ohio Recorder's Office.
- (B) "Company" includes title companies, mortgage bankers, full service banks, attorneys and other entities wishing to Electronically File with the Hamilton County Recorder's Office.
- (C) "Third Party Provider" means software provider for submitting company.
- (D) "TIFF Image" means TIFF Group 4 image file format.

Hamilton County desires to offer recording of real property documents by receiving and transmitting documents electronically in substitution for conventional paper based documents and to assure that transactions are not legally invalid or unenforceable as a result of the use of available electronic technologies for the mutual benefit of the parties of the transactions.

Electronic Recording is defined based on the model of automation and structure of the transaction. The models of automation that Hamilton County will accept are as follows:

- **Model 2** Submitting organizations transmit scanned images of ink signed documents in TIFF image file format along with electronic indexing information to the county. The county performs an electronic examination of the imaged documents and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned electronically to the submitting organization along with the electronic recording data. Model 2 eRecording does not include the use of digital signature technology. Users rely on the authentic "wet" signature and/or notary stamp/seal already applied to the document prior to the TIFF image being created.
- **Model 3** Submitting organizations transmit documents which have been created, signed and notarized electronically along with the electronic indexing information. Electronic signatures must comply with Uniform Electronic Transaction Act (UETA), Ohio Revised Code 1306 and E-Sign specifications. The county performs an electronic examination of the imaged documents and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned electronically to the submitting organization along with the electronic recording data.

## **Program Eligibility**

Title Companies, Mortgage Bankers, Full Service Banks, Attorneys and other trusted entities may, through a trusted third party provider, submit real property records for electronic recording. Electronic Recording mandates a close working relationship as well as mutual trust between the County and the submitting entity. All parties of the Electronic Recording transaction desire to operate and maintain a secure recording system that safeguards parties to recordation from deceit, fraud and forgery.

Participation in the Electronic Recording program is voluntary and the decision to do so is a business judgment. Individuals and organizations electing not to participate will receive service at the same level prevailing at the outset of the program.

There will be no additional fees or costs of any kind charged **by Hamilton County** for using the Electronic Recording option. Submitters are responsible for all recording fees required by Ohio Revised Codes.

## **County Requirements**

For each document, Hamilton County's specific document code will be provided along with the required indexing information. Hamilton County's specific editing rules are described in Attachment A. Hamilton County will reject and return any transactions that do not meet the document and indexing specifications.

Electronic Recordings will be accepted in the Hamilton County Recorder's Office between the hours of 8:30 a.m. and 3:30 p.m. Eastern Time. Electronic documents received after this time will be processed the following business day. Neither party shall be liable for any failure to perform processing of the transactions and documents where such failure is beyond the party's reasonable control, including, without limitation, any mechanical, electronic or communication failure which prevents the parties from transmitting or receiving the electronic recording transactions.

Documents are submitted to the Hamilton County Recorder's office in "payloads." A payload is a document or group of documents that are submitted as one transaction to the Hamilton County Recorder. If you submit more than one document in a payload and any of the documents are rejected, the entire payload will be returned to you unrecorded with an explanation as to why.

You cannot submit a mortgage and related assignment in one payload. The assignment will require the related mortgage information to be included on the assignment when submitted. We suggest that you file the mortgage first. After you receive confirmation that the mortgage has been recorded, you can then add the information to the assignment and submit it for recording.

The Hamilton County eRecording program runs in a "real time" environment. This means that once we accept the document for recording, it is available to the public for viewing. You will receive confirmation that the document was recorded in our office after it has been accepted.

If we reject a document for recording, you will receive the document back unrecorded with an explanation for rejection.

Documents submitted to our office for electronic recording must meet the following:

- Names must be printed or typed on the document under the signature if the signature is illegible. (ORC 317.11)
- If the document is notarized in the State of Ohio, it must state who it was prepared by. (ORC 317.111)
- The entire document must be sufficiently legible to permit reproduction. (ORC 317.112)
- The document must be in English. If any part of the document is in a different language, it must be accompanied by an English translation. (ORC 317.113)
- Documents must be notarized and state the notary name, state and commission expiration date.
- A current legal description of the real estate must be included with all documents.
- Satisfactions of Mortgage and Assignments of Mortgage must include the book/page and/or instrument number of the mortgage it is relating to.
- Assignments must include the address of the Assignee. (ORC 5301.31)
- Documents are to be redacted of all personal identifying information, (ORC 149.45)

### **Company Responsibilities**

Company acknowledges that Electronic Recording permits them to prepare, sign and/or transmit documents in electronic formats and the documents shall be considered as the "original" record of the transaction in substitution for, and with the same intended effect as, paper documents.

By use of electronic or digital certificates to sign documents, Company intends to be bound by those electronic signatures affixed to any documents and such electronic signature shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

By use of digital certificates to seal electronic files containing images of original paper or documents bearing manual signatures, Company shall recognize such sealed images for all purposes as fully as the original paper documents and shall be responsible for any failure by Users to comply with quality control procedures for assuring the accuracy and completeness of the electronic files.

The Company and or its employees attest to the accuracy and completeness of the electronic records and acknowledge responsibility for the content of the documents submitted through the Electronic Recording Program. Should a dispute or legal action arise concerning an electronic transaction, Hamilton County will be held harmless and not liable for any claims or damages.

Company is responsible for the costs of the system or services provided by a third party that enable Company to meet the Electronic Recording Program requirements.

### **Third Party Provider Requirements**

All third party providers must work in conjunction with Hamilton County's eRecording Vendor. Hamilton County is currently using Simplifile.

### **Payment of Recording Fees**

Electronic Fund Transfer system will be the method of payment. Third party providers will collect recording fees pursuant to Ohio Revised Code 317.32 and using the Account Clearing House (ACH) network; will deposit recording fees into the specified account with the Hamilton County Treasurer's Office on the following business day.

All ACH payment procedures and reports must be approved by the Hamilton County Recorder's office and the County's eRecording vendor.

### **General Understanding**

The Company shall be solely liable for the information electronically transmitted by or on behalf of the Company and for any breach of security, fraud or deceit as a result of Electronic Recording.

The Company shall be solely liable for any special, incidental, exemplary or consequential damages arising from or as a result of any delay, omission or error in the Electronic Recording transmission or receipt.

Any questions regarding eRecording in Hamilton County can be addressed to David Pittinger, Chief Deputy – (513) 946-4573 or [Dave.Pittinger@Hamilton-co.org](mailto:Dave.Pittinger@Hamilton-co.org).

## Hamilton County Recorder's Office

### Eligible Document Types and County Specific Document Type Coding

<b>DOCUMENT TYPE</b>	<b>SHORT CODE</b>
AFFIDAVIT	AFF
AGREEMENT	MT
AGREEMENT RIDER	MT
AMENDMENT	MT
AMENDMENT OF FINANCING STATEMENT	AMF
ASSIGNMENT	AM
ASSIGNMENT AND ASSUMPTION AGREEMENT	MT
ASSIGNMENT OF FINANCING STATEMENT	AFS
ASSIGNMENT OF RENTS AND LEASES	MT
ASSUMPTION AGREEMENT	MT
BROKER LIEN	BRL
CERTIFICATE OF TRUST	MT
CONTINUATION OF FINANCING STATEMENT	CON
DEED	DE
DURABLE POWER OF ATTORNEY FOR HEALTH CARE	PAHC
EASEMENT	EASE
GENERAL PARTNERSHIP	PARG
HOMESTEADING CONTRACT	MT
LEASE	LS
LIEN ON PUBLIC FUNDS	LPF
LIMITED PARTNERSHIP	PARL
LIVING WILL	LW
MECHANICS LIEN	ML
MEMORANDUM OF TRUST	MT
MISCELLANEOUS	MISC
MODIFICATION WAIVER OF PRIORITY	MT
MORTGAGE	MT
NOTICE OF COMMENCEMENT	NOC
NOTICE OF ENCUMBRANCE	MT
NOTICE OF LIEN	NOL
NOTICE OF PERSONAL PROPERTY TRANSFER	NPPT
OPTION TO PURCHASE	MT
PARTIAL RELEASE FEDERAL TAX LIEN	PRFT
PARTIAL RELEASE OF FINANCING STATEMENT	PRFS
PARTIAL RELEASE OF MORTGAGE	PRM
POWER OF ATTORNEY	PA
REAL ESTATE ON FINANCING STATEMENT	REF
RELEASE	REL
RELEASE OF BUREAU OF WORKMENS COMPENSATION	RBWC
RELEASE OF FEDERAL TAX LIEN	RFED
RELEASE OF FINANCING STATEMENT	RFS
RELEASE OF OHIO BUREAU OF EMPLOYMENT SERVICES	ROBE
RESTRICTIVE COVENANT	MT
REVOCATION OF POWER OF ATTORNEY	RPA
RIGHT TO FIRST REFUSAL	MT
SUBORDINATION	MT