



Adopted	Rejected
---------	----------

# COMMITTEE REPORT

YES:	11
NO:	0

**MR. SPEAKER:**

*Your Committee on Judiciary, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 1, delete "IC 32-21-2-1.4" and insert "IC 32-21-2-1.5".
- 2 Page 1, line 3, delete "Sec. 1.4." and insert "**Sec. 1.5.**".
- 3 Page 1, line 5, delete "(as defined in IC 32-21-2.5-3);" and insert "**as**
- 4 **defined in IC 32-21-2.5-3;**".
- 5 Page 1, line 6, delete "a paper" and insert "**any paper**".
- 6 Page 1, line 6, delete "(as defined in IC 32-21-2.5-8(a));" and insert
- 7 "**as defined in IC 32-21-2.5-8(a);**".
- 8 Page 1, line 7, delete "submitted" and insert "**that is submitted**".
- 9 Page 1, line 7, delete "recording." and insert "**recording under**
- 10 **IC 29-1-7-23(d), IC 32-21-2, IC 32-21-2.5, IC 32-21-3, IC 32-21-4,**
- 11 **IC 32-21-8-7(b), or IC 36-2-11.**".
- 12 Page 1, line 8, delete "IC 32-21-2-1.6" and insert "IC 32-21-2-1.7".
- 13 Page 1, line 10, delete "Sec. 1.6." and insert "**Sec. 1.7.**".

- 1 Page 1, line 11, delete "means the following:" and insert "**means a**
- 2 **proof:**".
- 3 Page 1, line 12, delete "A proof".
- 4 Page 1, line 12, delete "law." and insert "**law; or**
- 5 **(2) where the witness:**
- 6 **(A) appears before a notarial officer;**
- 7 **(B) was personally known by the notarial officer or**
- 8 **identified by the notarial officer through satisfactory**
- 9 **evidence;**
- 10 **(C) was not a party to, or a beneficiary of, the record being**
- 11 **signed by the principal and the witness; and**
- 12 **(D) took an oath or gave an affirmation and testified to the**
- 13 **following:**
- 14 **(i) The witness signed the record.**
- 15 **(ii) The witness identified the principal who signed the**
- 16 **record.**
- 17 **(iii) The witness personally observed the principal sign**
- 18 **the same record that the witness signed."**
- 19 Page 1, delete lines 13 through 17.
- 20 Page 2, delete lines 1 through 14.
- 21 Page 2, line 37, delete "An" and insert "**Any**".
- 22 Page 2, line 37, delete "a notarial act that" and insert "**one (1) of the**
- 23 **following notarial acts:**".
- 24 Page 2, delete line 38.
- 25 Page 2, line 39, delete "an" and insert "**An**".
- 26 Page 2, line 39, delete "IC 33-42-0.5-2); or" and insert "**IC**
- 27 **33-42-0.5-2)**".
- 28 Page 2, line 40, delete "a" and insert "**A**".
- 29 Page 2, line 41, delete "An acknowledgment under" and insert "**A**
- 30 **notarial act described in**".
- 31 Page 3, line 4, delete "with IC 33-42-9-8, IC 33-42-9-9," and insert
- 32 **"with:**
- 33 **(A) IC 33-42-9-8;**
- 34 **(B) IC 33-42-9-9;**
- 35 **(C) IC 33-42-9-10; or**
- 36 **(D) IC 33-42-9-11."**
- 37 Page 3, delete line 5.
- 38 Page 3, line 6, delete "A proof under" and insert "**The notarial act**

- 1 **described in".**
- 2 Page 3, line 8, delete "with IC 33-42-9-8, IC 33-42-9-9," and insert
- 3 **"with:**
- 4 (A) IC 33-42-9-8;
- 5 (B) IC 33-42-9-9;
- 6 (C) IC 33-42-9-10; or
- 7 (D) IC 33-42-9-11."
- 8 Page 3, delete line 9.
- 9 Page 3, line 10, reset in roman "In addition to the requirements".
- 10 Page 3, line 10, after "requirements" insert **"specified"**.
- 11 Page 3, line 10, reset in roman "under".
- 12 Page 3, line 10, after "under" insert **"subsections (a) and (b), an**
- 13 **instrument"**.
- 14 Page 3, line 11, reset in roman "may not be recorded".
- 15 Page 3, line 11, reset in roman "unless it meets".
- 16 Page 3, line 12, reset in roman "the requirements".
- 17 Page 3, line 12, after "requirements" insert **"of:**
- 18 (1) **this article;**
- 19 (2) **the notarial requirements for an acknowledgment or for**
- 20 **a proof; and**
- 21 (3) **IC 36-2-11."**
- 22 Page 3, line 12, delete "An instrument", begin a new paragraph and
- 23 insert:
- 24 **"(e) A conveyance"**.
- 25 Page 3, line 25, delete "(e)" and insert **"(f)"**.
- 26 Page 3, line 25, delete "an" and insert **"the"**.
- 27 Page 3, line 25, delete "country and the" and insert **"country,"**.
- 28 Page 3, line 26, delete "instrument or the instrument's
- 29 acknowledgment or proof" and insert **"where the instrument, its**
- 30 **acknowledgment, or its proof"**.
- 31 Page 3, line 29, delete "IC 32-21-4-0.2" and insert "IC 32-21-4-0.5".
- 32 Page 3, line 31, delete "Sec. 0.2." and insert **"Sec. 0.5."**
- 33 Page 3, line 31, delete "The" and insert **"For purposes of section 1**
- 34 **of this chapter, the"**.
- 35 Page 3, line 32, delete "findings of fact regarding sections 0.4 and
- 36 1 of this" and insert **"findings:**
- 37 (1) **It is in the public interest for any conveyance, as defined**
- 38 **in section 1(a) of this chapter, and any mortgage recorded in**

- 1           the office of the Indiana county recorder to not be attacked
- 2           due to technical deficiencies.
- 3           **(2) The ability to rely upon documents indexed and recorded**
- 4           **in the public land records of an Indiana county recorder**
- 5           **provides stability to the ownership of Indiana real property**
- 6           **and to Indiana's statewide and local real estate economies.**
- 7           **(3) Making or keeping these subsections in section 1 of this**
- 8           **chapter, retroactive will not upset any vested substantive**
- 9           **rights, liabilities, or duties.**
- 10          **(4) This section is intended to express the original legislative**
- 11          **intent of IC 32-21-4-1 more clearly."**
- 12          Page 3, delete lines 33 through 42.
- 13          Page 4, delete lines 1 through 12.
- 14          Page 4, line 15, after "following" insert "**As used in this section,**
- 15          **"conveyance" means an electronic document as defined in**
- 16          **IC 32-21-2.5-3 or a paper document as defined in IC 32-21-2.5-8(a)**
- 17          **that is:**
- 18               **(1) a deed or other instrument concerning land or an interest**
- 19               **in land, except a last will and testament;**
- 20               **(2) a lease or memorandum of lease for a term exceeding**
- 21               **three (3) years;**
- 22               **(3) a transfer on death deed as defined under**
- 23               **IC 32-17-14-3(16) or an affidavit pursuant to**
- 24               **IC 32-17-14-26(b)(20); or**
- 25               **(4) a land contract or a memorandum of land contract for the**
- 26               **sale and purchase of land.**
- 27          **(b)".**
- 28          Page 4, line 16, delete "of land or of any interest in land".
- 29          Page 4, line 17, strike "of" and insert "**in**".
- 30          Page 4, line 17, strike "situated." and insert "**located.**".
- 31          Page 4, line 20, strike "(b)" and insert "**(c)**".

- 1 Page 4, line 26, strike "(c)" and insert "(d)".
- 2 Page 4, line 28, strike "referred to in subsection (a)".
- 3 Page 4, line 37, delete "an" and insert "**any**".  
(Reference is to HB 1056 as introduced.)

**and when so amended that said bill do pass.**

**Representative Torr**

