

# HOUSE BILL No. 1149

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 32-21-2-3.

**Synopsis:** Recording requirements. Amends the acknowledgment and proof requirements for a conveyance, mortgage, or instrument of writing to be recorded. Provides that actions taken after June 30, 2020, regarding acknowledgment and proof for conveyances, mortgages, and instruments of writing to be recorded are legalized and validated to the extent provided for in this act.

**Effective:** Upon passage.

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## Prescott, Manning

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January 7, 2021, read first time and referred to Committee on Judiciary.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1149

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A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 32-21-2-3, AS AMENDED BY P.L.80-2020,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c), a  
4 conveyance, a mortgage, or an instrument of writing to be recorded  
5 must be:  
6 (1) acknowledged by the grantor; ~~and or~~  
7 (2) proved before a:  
8 (A) judge;  
9 (B) clerk of a court of record;  
10 (C) county auditor;  
11 (D) county recorder;  
12 (E) notary public;  
13 (F) mayor of a city in Indiana or any other state;  
14 (G) commissioner appointed in a state other than Indiana by  
15 the governor of Indiana;  
16 (H) minister, charge d'affaires, or consul of the United States  
17 in any foreign country;



- 1 (I) clerk of the city county council for a consolidated city, city  
 2 clerk for a second class city, or clerk-treasurer for a third class  
 3 city;  
 4 (J) clerk-treasurer for a town; or  
 5 (K) person authorized under IC 2-3-4-1.
- 6 (b) In addition to the requirements under subsection (a), a  
 7 conveyance may not be recorded after June 30, 2007, unless it meets  
 8 the requirements of this subsection. The conveyance must include a  
 9 statement containing substantially the following information:  
 10 "The mailing address to which statements should be mailed under  
 11 IC 6-1.1-22-8.1 is [insert proper mailing address]. The mailing  
 12 address of the grantee is [insert proper mailing address]."  
 13 The mailing address for the grantee must be a street address or a rural  
 14 route address. A conveyance complies with this subsection if it  
 15 contains the address or addresses required by this subsection at the end  
 16 of the conveyance and immediately preceding or following the  
 17 statements required by IC 36-2-11-15.
- 18 (c) This section does not apply to the Indiana department of  
 19 transportation.
- 20 **(d) Actions taken under subsection (a) after June 30, 2020, and**  
 21 **before the passage of this act as enacted during the 2021 session of**  
 22 **the general assembly are legalized and validated to the extent that**  
 23 **those actions would have been legal and valid if this act as enacted**  
 24 **during the 2021 session of the general assembly had been enacted**  
 25 **before July 1, 2020.**  
 26 SECTION 2. An emergency is declared for this act.

