

1 AN ACT relating to county clerk fees.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 64.012 is amended to read as follows:

- 4 (1) The county clerk shall receive for the following services the following fees:
- 5 (a) 1. Recording and indexing of a:
- 6 a. Deed of trust or assignment for the benefit of creditors;
 - 7 b. Deed;
 - 8 c. Deed of assignment;
 - 9 d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or
 - 10 (2) that have been filed first with the Secretary of State;
 - 11 e. Real estate option;
 - 12 f. Power of attorney;
 - 13 g. Revocation of power of attorney;
 - 14 h. Lease which is recordable by law;
 - 15 i. Deed of release of a mortgage or lien under KRS 382.360;
 - 16 j. United States lien;
 - 17 k. Release of a United States lien;
 - 18 l. Release of any recorded encumbrance other than state liens;
 - 19 m. Lis pendens notice concerning proceedings in bankruptcy;
 - 20 n. Lis pendens notice;
 - 21 o. Mechanic's and artisan's lien under KRS Chapter 376;
 - 22 p. Assumed name;
 - 23 q. Notice of lien issued by the Internal Revenue Service;
 - 24 r. Notice of lien discharge issued by the Internal Revenue Service;
 - 25 s. Original, assignment, amendment, or continuation financing
 - 26 statement;
 - 27 t. Making a record for the establishment of a city, recording the plan

- 1 or plat thereof, and all other service incident;
- 2 u. Survey of a city, or any part thereof, or any addition to or
- 3 extensions of the boundary of a city;
- 4 v. Recording with statutory authority for which no specific fee is set,
- 5 except a military discharge;
- 6 w. ~~[Will or other probate document pursuant to KRS Chapter 392 or~~
- 7 ~~394;~~
- 8 ~~x. Court ordered name change pursuant to KRS Chapter 401;~~
- 9 ~~y. Land use restriction according to KRS 100.3681;~~
- 10 **x. Affidavit of conversion under KRS 186A.297 or an affidavit of**
- 11 **severance under KRS 186A.298;**
- 12 **y. Assignment or release of a certificate of delinquency under KRS**
- 13 **134.126 and 134.127;**
- 14 **z. Statement of authority as to real property under KRS 273A.020;**
- 15 and
- 16 **aa.**~~[z.]~~ Filing with statutory authority for which no specific fee is
- 17 set.
- 18 For all items in this **subparagraph**~~[subsection]~~ if the entire thereof
- 19 does not exceed
- 20 five (5) pages\$33.00
- 21 And, for all items in this **subparagraph**~~[subsection]~~ exceeding five
- 22 (5) pages,
- 23 for each additional page\$3.00
- 24 And, for all items in this **subparagraph**~~[subsection]~~ for each
- 25 additional reference
- 26 relating to same instrument\$4.00
- 27 2. **a. Recording and indexing of a:**

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i. Will or other probate document pursuant to KRS Chapter 392 or 394;

ii. Appointment pursuant to KRS Chapter 395; and

iii. Court-ordered name change pursuant to KRS Chapter 401.

b. For all items in this subparagraph not subject to a per page fee.....\$33.00

c. For all items in this subparagraph for each additional reference relating to the same instrument\$4.00

3. The thirty-three dollar (\$33) fee imposed by subparagraphs 1. and 2. of this paragraph~~[this subsection]~~ shall be divided as follows:

a. Twenty-seven dollars (\$27) shall be retained by the county clerk; and

b. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.

(b) For noting a security interest on a certificate of title pursuant to KRS Chapter 186A\$12.00

(c) For filing the release of collateral under a financing statement and noting same upon the face of the title pursuant to KRS Chapter 186 or 186A\$5.00

(d) Filing or recording state tax or other state liens\$5.00

(e) Filing release of a state tax or other state lien\$5.00

(f) Acknowledging or notarizing any deed, mortgage, power of attorney, or other written instrument required by law for recording and certifying

1 same\$5.00

2 (g) Recording plats, maps, and surveys, not exceeding 24 inches by

3 36 inches, per page\$40.00

4 (h) Recording a bond, for each bond\$10.00

5 (i) Each bond required to be taken or prepared by the clerk\$4.00

6 (j) Copy of any bond when ordered\$3.00

7 (k) Administering an oath and certificate thereof\$5.00

8 (l) Issuing a license for which no other fee is fixed by law\$8.00

9 (m) Issuing a solicitor's license\$15.00

10 (n) Marriage license, indexing, recording, and issuing certificate thereof\$26.50

11 (o) Every order concerning the establishment, changing, closing, or

12 discontinuing of roads, to be paid out of the county levy when

13 the road is established, changed, closed, or discontinued, and by

14 the applicant when it is not\$3.00

15 (p) Registration of licenses for professional persons required to register

16 with the county clerk\$10.00

17 (q) Certified copy of any record\$5.00

18 Plus fifty cents (\$.50) per page after five (5)~~three (3)~~ pages

19 (r) Filing certification required by KRS 65.070(2)(a)\$5.00

20 (s) Filing notification and declaration and petition of candidates

21 for Commonwealth's attorney.....\$200.00

22 (t) Filing notification and declaration and petition of candidates for county

23 and independent boards of education\$20.00

24 (u) Filing notification and declaration and petition of candidates for

25 boards of soil and water conservation districts\$20.00

26 (v) Filing notification and declaration and petition of candidates for

27 other office\$50.00

- 1 (w) Filing declaration of intent to be a write-in candidate for office\$50.00
- 2 (x) Filing petitions for elections, other than nominating petitions\$50.00
- 3 (y) Notarizing any signature, per signature\$2.00
- 4 (z) Filing bond for receiving bodies under KRS 311.310\$10.00
- 5 (aa) ~~[Noting the assignment of a certificate of delinquency and recording~~
- 6 ~~— and indexing the encumbrance under KRS 134.126 or 134.127\$27.00~~
- 7 ~~(ab)~~ Filing a going-out-of-business permit under KRS 365.445\$50.00
- 8 ~~(ab)~~~~(ac)~~ Filing a renewal of a going-out-of-business permit under KRS 365.445 \$50.00
- 9 ~~(ac)~~~~(ad)~~ Filing and processing a transient merchant permit under KRS 365.680 \$25.00
- 10 ~~(ad)~~~~(ae)~~ Recording and indexing a real estate mortgage:
- 11 1. For a mortgage that does not exceed thirty (30) pages\$63.00
- 12 2. And, for a mortgage that exceeds thirty (30) pages, for each additional
- 13 page\$3.00
- 14 ~~(ae)~~~~(af)~~ Filing or recording a lien or release of lien by a consolidated local
- 15 government, urban-county government, unified local government, or city of
- 16 any class\$20.00
- 17 (2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall
- 18 be divided as follows:
- 19 (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and
- 20 (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established
- 21 in KRS 198A.710 and shall be remitted by the county clerk within ten (10)
- 22 days following the end of the quarter in which the fee was received. Each
- 23 remittance to the affordable housing trust fund shall be accompanied by a
- 24 summary report on a form prescribed by the Kentucky Housing Corporation.
- 25 (3) For services related to the permanent storage of records listed in paragraphs (a), (g),
- 26 (n), and (ae) of subsection (1) of this section, the clerk shall be entitled to receive a
- 27 ~~fee~~~~reimbursement~~ of ten dollars (\$10). **This fee shall be exempt from being paid**

1 annually to the fiscal court pursuant to KRS 64.152, from any requirement to be
 2 paid more frequently to the fiscal court, and from being paid to the Finance and
 3 Administration Cabinet pursuant to KRS 64.345. This fee may be accumulated by
 4 the county clerk for the duration of the clerk's term. At the end of the clerk's
 5 term, any accumulated fees remaining unspent shall be transferred to the fiscal
 6 court. If a clerk vacates office before the end of his or her elected or appointed
 7 term, any accumulated fees shall be transferred to his or her successor. This fee
 8 shall be accounted for separately and used for the services related to the
 9 permanent storage of records, which may include personnel, equipment, supplies,
 10 or other costs related to that function.

11 ➔Section 2. KRS 186A.298 is amended to read as follows:

- 12 (1) The owner of a manufactured home that has been converted to real estate in
 13 accordance with KRS 186A.297 may detach or sever the home from the real
 14 property only by filing an affidavit of severance with the clerk of the county in
 15 which the affidavit of conversion originally took place and in which the real estate
 16 is located. The affidavit of severance shall include the following information:
- 17 (a) The manufacturer and, if applicable, the model name of the manufactured
 18 home;
 - 19 (b) The legal description of the real property on which the manufactured home is
 20 or was placed, with the source of title setting forth the book and page number
 21 of how the owner of the real estate acquired the property;
 - 22 (c) The book and page number where the previous affidavit of conversion was
 23 filed of record;
 - 24 (d) A Class B1 or B2 Seal as required under KRS 227.600;
 - 25 (e) Certification of an attorney that, as of the date of the titling of the severance,
 26 there are no security interests or liens in the manufactured home that have not
 27 been released by the secured party and that the title to the real estate is

1 marketable, free, and clear of liens, or certification of any holder of a security
2 interest in the manufactured home of:

- 3 1. The amount of any existing security interest; and
- 4 2. The secured party's consent to issuance of a title;

5 (f) The owner's affidavit that the manufactured home has previously been or will
6 be removed from the described real estate within thirty (30) days of the date of
7 filing the affidavit of conversion, and that, before moving the manufactured
8 home the owner will apply for and receive;

- 9 1. A certificate of title as required under KRS 186A.070; and
- 10 2. A manufactured home registration as required under KRS 186.675; and

11 (g) There shall be a limit of one (1) affidavit of severance issued to an owner on a
12 property.

13 (2) When the county clerk files the affidavit of severance, the county clerk shall provide
14 a copy to:

15 (a) The property valuation administrator for adjustment of the real property tax
16 rolls of the county; and

17 (b) The Transportation Cabinet, Department of Vehicle Regulation.

18 (3) An owner who fails to file an affidavit of severance prior to removal of the
19 manufactured home shall be liable for actual damages or five hundred dollars
20 (\$500), whichever is greater, payable to any first lien holder of record, or if no such
21 lien holder exists, to be payable to the clerk of the county in which the affidavit of
22 conversion first took place, upon notice to the clerk that the manufactured home
23 was not removed within thirty (30) days of the date of filing of the affidavit of
24 severance.

25 (4) ~~{The county clerk shall receive a fee of sixteen dollars (\$16) for the service~~
26 ~~provided under this section.~~

27 ~~(5) If the owner of the manufactured home provides inaccurate or fraudulent~~

1 information to the county clerk, the clerk shall not be held liable in any subsequent
2 action relating to the severance of the manufactured home from the real estate.

3 ~~(5)~~~~(6)~~ For the purposes of this section, "owner" means the party who holds the legal
4 title to the real estate where the manufactured home is located prior to being moved.
5 It shall not include the party who is acquiring the manufactured home.

6 ➔Section 3. KRS 273A.020 is amended to read as follows:

7 (1) An interest in real property held in the name of an unincorporated nonprofit
8 association may be transferred by a person authorized to do so in a statement of
9 authority recorded by the association in the office in the county in which a transfer
10 of the property would be recorded.

11 (2) A statement of authority shall set forth:

12 (a) The name of the unincorporated nonprofit association;

13 (b) The address in this Commonwealth, including the street address, if any, of the
14 association or, if the association does not have an address in this
15 Commonwealth, its out-of-state address;

16 (c) That the association is an unincorporated nonprofit association;

17 (d) The name and title or position of a person authorized to transfer an interest in
18 real property held in the name of the association; and

19 (e) An affirmation by the person executing the statement that they are duly
20 authorized to do so.

21 (3) A statement of authority shall be executed by a person other than the person
22 authorized in the statement to transfer the interest.

23 (4) ~~{A filing officer may collect a fee for recording a statement of authority in the~~
24 ~~amount of ten dollars (\$10).~~

25 ~~(5)~~—A document amending, revoking, or canceling a statement of authority or stating
26 that the statement is unauthorized or erroneous shall meet the requirements for
27 executing and recording an original statement.

1 ~~(5)~~~~(6)~~ Unless canceled earlier, a recorded statement of authority and its most recent
2 amendment expire five (5) years after the date of the most recent recording.

3 ~~(6)~~~~(7)~~ If the record title to real property is in the name of an unincorporated nonprofit
4 association and the statement of authority is recorded in the office of the county in
5 which a transfer of the property would be recorded, the authority of the person
6 named in the statement to transfer is conclusive in favor of a person that gives value
7 without notice that the person lacks authority.