

## Requirements for Recording Real Estate Documents

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### The Following Documents Do Not Require A Legal Description For Recording. Death Certificates, Power of Attorneys, Wills, DD214, Certificates, and Miscellaneous Documents.

The following is a list of specific documents and their requirements for recording.

#### **Deeds**

Deeds Are Documents Showing A Transfer Of Property From One Party To Another. The deed must contain the title and date of the document on the first page. (RSMo 59.310) The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm>. A deed transferring property to another party must have the grantee's mailing address designated on the first page, as required by law (RSMo 59.330 & 59.310). A deed must have the legal description on the first page, as required by law (RSMo 59.330 & 59.310). A deed must contain the grantor's signature. If a corporation is signing as the grantor, the corporate seal must be on the document if required by the corporate bylaws. If the notary clause states that the corporate seal is affixed to the document, it must also be included on the deed. The parties signing must have a notary acknowledgement clause on the deed, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the deed. If the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275). The notary expiration date must be a valid date at the time the deed is signed, as required by law (RSMo 486.285). Any signature on the deed must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the deed must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). A deed must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310)

#### **Deeds of Trust**

Deeds of trust are documents showing an owner of property borrowing money using their real estate as collateral. The deed of trust must contain the title and date of the document on the first page. (RSMo 59.310) The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm>. The deed of trust must have the grantee's mailing address designated on the first page, as required by law (RSMo 59.330 & 59.310). The amount borrowed is normally listed on the deed of trust as well. A deed of trust must have the legal description on the first page, as required by law (RSMo 59.330 & 59.310). A deed of trust must contain the grantor's signature. If a corporation is signing as the grantor, the corporate seal must be on the document if required by the corporate bylaws. If the notary clause states that the corporate seal is affixed to the document, it must also be

included on the deed of trust. The parties signing must have a notary acknowledgement clause on the deed of trust, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the deed of trust. If the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275).). The notary expiration date must be a valid date at the time the deed of trust is signed, as required by law (RSMo 486.285). Any signature on the deed of trust must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the deed of trust must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). A deed of trust must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310)

### **Release Deeds**

Release Deeds are documents showing a partial or a full payment of a deed of trust. If the original deed of trust was recorded prior to January 1, 1986, the original identified note must be presented with the release, as required by law (RSMo 443.060). If the original identified note has been lost or destroyed, an affidavit of lost note signed by the maker and beneficiary must be presented with the release, as required by law (RSMo 443.060). The release must contain the title and date of the document on the first page (RSMo 59.310). The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm>. The original deed of trust book and page must be listed on the first page (RSMo 59.310). The original date of the deed of trust must be listed on the release. A release must have the legal description on the first page, as required by law (RSMo 59.330 & 59.310). A release must contain the grantor's signature. If a corporation is signing as the grantor, the corporate seal must be on the document if required by the corporate bylaws. If the notary clause states that the corporate seal is affixed to the document, it must also be included on the release. The parties signing must have a notary acknowledgement clause on the release, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the release. If the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275).). The notary expiration date must be a valid date at the time the release is signed, as required by law (RSMo 486.285). Any signature on the release must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the release must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). A release must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310)

### **Assignment of Deed Of Trust**

This document shows a lender assigning or selling their interest in a deed of trust to another party. The assignment must contain the title and date of the document on the first page (RSMo

59.310). The document must have the grantor(s) listed on the first page (RSMo 59.310). The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm>. The grantees must be designated on the first page (RSMo 59.310). An assignment of deed of trust must have the grantee's mailing address designated on the first page, as required by law (RSMo 59.330 & 59.310). The book and page of the deed of trust being assigned should also be listed on the assignment. The assignment must have the legal description on the first page, as required by law (RSMo 59.330 & 59.310). If a corporation is signing as the grantor, the corporate seal must be on the document if required by the corporate bylaws. If the notary clause states that the corporate seal is affixed to the document, it must also be included on the assignment. The parties signing must have a notary acknowledgement clause on the assignment, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the assignment if the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275). The notary expiration date must be a valid date at the time the assignment is signed, as required by law (RSMo 486.285). Any signature on the assignment must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the assignment must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). An assignment must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310)

### **Trustee's Deed Under Foreclosure**

This document shows that the original deed of trust is being foreclosed on for default of payment. The trustee's deed under foreclosure must contain the title and date of the document on the first page (RSMo 59.310). If the original deed of trust was recorded prior to January 1, 1986, the original identified note must be presented along with the trustee's deed under foreclosure, as required by law (RSMo 443.390). The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm> A trustee's deed under foreclosure must have the grantee's mailing address designated on the first page, as required by law (RSMo 59.330 & 59.310). The trustee's deed under foreclosure must contain the original deed of trust book and page being foreclosed on the first page (RSMo 59.310) A trustee's deed under foreclosure must have the legal description on the first page, as required by law (RSMo 59.330 & 59.310). The trustee must sign the document. The trustee's signature must have a notary acknowledgement clause on the trustee's deed under foreclosure, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the trustee's deed under foreclosure. If the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275). The notary expiration date must be a valid date at the time the trustee's deed under foreclosure is signed, as required by law (RSMo 486.285). Any signature on the trustee's deed under foreclosure must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the trustee's deed under foreclosure must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). A trustee's deed under foreclosure must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is

placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310).

### **Miscellaneous Documents**

Any document that does not fit into the above listed categories of documents is considered a miscellaneous document. The document must contain the title and date of the document on the first page (RSMo 59.310). The document must have the grantor(s) and grantee(s) listed and designated on the first page. (RSMo 59.310) For suggestions on grantor/grantee designations, visit the Missouri Bar Association's website at <http://www.mobar.org/member/grantor.htm> A legal description may be included on a miscellaneous document. There must be parties signing the document. If a corporation is signing the document, the corporate seal must be on the document if required by the corporate bylaws. If the notary clause states that the corporate seal is affixed to the document, it must also be included on the document. The parties signing must have a notary acknowledgement clause on the document, as required by law (RSMo 486.330 and RSMo 59.330). A notary must sign acknowledging the signatures, as required by law (RSMo 486.275). A notary seal, either a stamped or an impressed seal must be on the document. If the notary is commissioned in the State of Missouri, the seal must be in black ink, must be at least 8 point type, and must contain the words notary public, notary seal, State of Missouri, and the notary's name, as required by law (RSMo 486.275). The notary expiration date must be a valid date at the time the document is signed, as required by law (RSMo 486.285). Any signature on the document must be typed or printed below the signature, as required by law (RSMo 59.310). Any signature on the document must be original, or a certified copy is required. At this time, a recorded page size in the State of Missouri is defined as 8 ½ x 11 (RSMo 59.005). A document must be legible for recording and reproduction and must contain at least 8-point type, as required by law (RSMo 59.310). When the document is recorded, a recording certificate is placed in the top three inches of the first page. If there is not a three inch top margin for the recording certificate on the first page, or the document does not meet all of the standardization requirements as outlined in this website, the Recorder will add a certificate page. When a document does not meet standardization requirements it will become non-standard and a \$25.00 non-standard penalty will be charged, in addition to the normal recording fees. (RSMo 59.310).

### **UCC Filings in the Real Estate Records**

There will be **no dual filing** of a UCC and real estate filing in the Recorder of Deeds office after July 1, 2001. To file any fixture filing or one that covers as-extracted collateral or timber in the real estate records under provisions of Revised Article 9 after July 1, 2001, **no signature** is required on a new approved standard form with required addendum attached. To terminate any filing in the real estate records filed under Former Article 9 or Revised Article 9, under provisions of Revised Article 9 after July 1, 2001, **no signature** is required on a new approved standard form with required addendum attached. If any form is prepared and presented other than the state approved form, all statutory recording requirements of law will apply. Statutory recordings fee will apply to all real estate related filings. **Overpayment of UCC filings in the Real Estate records will not be refunded.** Forms and instructions may be found at the Secretary of State's website: <http://mosl.sos.state.mo.us>