

1 SENATE BILL NO. 95

2 INTRODUCED BY J. SHOCKLEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EXEMPTION OF AN ACKNOWLEDGMENT BY A
5 NOTARY FROM THE STANDARDS FOR DOCUMENTS TO BE RECORDED BY COUNTY CLERKS; AND
6 AMENDING SECTION 7-4-2636, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 7-4-2636, MCA, is amended to read:

11 **"7-4-2636. Standards for recorded documents -- exemptions.** (1) Unless accompanied by the
12 appropriate fee required in 7-4-2637, a document submitted for recording that conveys an interest in real property
13 must:

14 (a) be legibly printed or typed in black ink in at least 10-point typeface on white paper of not less than
15 20-pound weight, each page of which must be separated and have dimensions of either 8 1/2 x 11 inches or 8 1/2
16 x 14 inches;

17 (b) provide the names of the parties to the conveyance on the first or second page of any document with
18 more than one page;

19 (c) provide a description of the property;

20 (d) have all signatures, initials, dates, handwriting, or notary stamps in blue or black ink;

21 (e) except as provided in subsection (1)(f) and except for page numbers or other designations, have
22 margins that are clear of all markings in the following dimensions:

23 (i) at least 3 inches at the top of the first page and at least 1 inch at the top of the second and any
24 subsequent pages;

25 (ii) at least 1 inch on the bottom of each page;

26 (iii) at least 1/2 inch on the sides of each page; and

27 (f) include the name and mailing address of the person to whom the document is to be returned in the
28 margin in the upper left-hand corner of the first page within the 3-inch top margin and between the 1/2-inch side
29 margins of each document submitted and may include legibly printed or typed transactional information.

30 (2) Unless accompanied by the fee required in 7-4-2637, all other documents submitted for recording

1 must meet the requirements of subsections (1)(a), (1)(e), and (1)(f).

2 (3) (a) Except as provided in subsection (3)(b), only documents submitted for recording and filing that
3 conform to the provisions of subsection (1) or (2) are considered standard documents for the purposes of
4 7-4-2637.

5 (b) Documents that are acknowledged as having been executed prior to April 28, 2007, must be
6 accepted for recording and considered standard documents, regardless of whether they conform to the provisions
7 of subsection (1) or (2).

8 (4) (a) An acknowledgment by a notary is exempt from the color, typeface, ~~and AND font, and margin~~
9 requirements of this section. IF THE NOTARIAL SEAL IS MADE BY IMPRESSION OF AN EMBOSSER, THE SEAL IS EXEMPT
10 FROM THE MARGIN REQUIREMENTS OF THIS SECTION.

11 (b) An officially certified court or other government document, whether from an in-state or out-of-state
12 office, is exempt from the provisions of this section."

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