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Notations When Instrument Received

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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After a register has determined that an instrument should be received and accepted for recording, the register must note on the instrument the time (date, hour and minute) the register actually received the instrument. T.C.A. § 8-13-108(a)(2). The time of reception of the instrument, that is the time of delivery to the register, and not the time when the register entered the instrument in the notebook, is the proper time to be entered on the notebook and the instrument. Lee Chatten v. Knoxville Trust Company, 154 Tenn. 345, 289 S.W.2d 536, 50 A.L.R. 537 (1926). The register's office should mark all documents as "received" when they are physically delivered, regardless of the method of delivery, and documents arriving in the same mail delivery should be marked with the same date and time. Op. Tenn. Atty. Gen. 94-37 (March 21, 1994). The proper notation of time is of vital importance to all interested parties as the time of reception can affect priority of title.

The register also enters certain information in a book known as the notebook. The duties of the register in regard to the notebook are specified in T.C.A. § 8-13-108. The register enters into the notebook the names of the grantor(s) and grantee(s), the time the instrument was received (date, hour and minute), and the amount of fees received. The notebook must be maintained in a well bound book or in computer storage media in accordance with T.C.A. § 10-7-121, which describes the procedures required to maintain safe copies of the information. The notebook must be maintained as a permanent record.

The register is to note and record the instruments in order of time of reception as nearly as can practically be done, but entries are to be made without undue delay even if due to the volume of instruments received the exact order of time of reception cannot be maintained. Nevertheless, no instrument received on a given day can be entered into the notebook after instruments received on a later day. T.C.A. § 8-13-108(a)(4).

The register is required to certify the fact of registration upon every document registered and the time when it was received. The register is also required to enter on the document the book and page or other reference where it is recorded or filed, the amount of fees received, if any, and the amount of taxes received, if any. This certification is accomplished with the signature of the register. If the register determines that insufficient space exists on the instrument to enter the certification without overlaying writing on the instrument, then the register may add a page to contain the certification and attach the page to the instrument, whereupon it becomes a part of the original instrument being registered, and the register may charge a fee for this additional page. T.C.A. § 8-13-108.

UCC Records. Although the statutes do not require a separate notebook, registers may note the reception of UCC instruments in a separate notebook for Uniform Commercial Code instruments, naming the secured party and the debtor, entering the date and time of reception, and the fees received. T.C.A. § 8-13-108(a)(3).

Each UCC record must be assigned a unique number. The register must create a record that bears the number assigned to the filed record and the date and time of filing. T.C.A. § 47-9-519(a).

Under UCC law, a termination statement is treated as an amendment and recorded as any other amendment. The entire UCC record series from initial financing statement through termination must remain of record for at least one year after the termination is filed or the financing statement has lapsed. T.C.A. § 47-9-522.

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