

Progress and Purpose of America's Register of Deeds Offices

The relationship between the New Hampshire
Registries of Deeds,
the New Hampshire Land Surveyors Association
& the New Hampshire Planning Board

Introductions

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The recording of important documents is one of the oldest functions preformed by government.

In 451 BC Rome received its first written law code, inscribed upon 12 bronze tablets and publicly displayed in the forum. Its provisions concerned such matters as legal procedure, debt foreclosure, paternal authority over children, **property rights**, inheritance, and funerary regulations. This so-called Law of Twelve Tables was to form the basis of all subsequent Roman private law.

The founders of the our great State of New Hampshire agreed that a proper and legal procedure for recording property ownership was vital. So much so, that they included the office in our Constitution.

The Constitution of the State of New Hampshire

[Art.] 71. [County Treasurers, Registers of Probate, County Attorneys, Sheriffs, and Registers of Deeds Elected.] The county treasurers, registers of probate, county attorneys, sheriffs and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practiced, and the laws of the state, Provided nevertheless the legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

June 2, 1784

Amended 1792 twice adding proviso that the legislature could alter the manner of certifying the votes and mode of electing the officers; deleting oath and bond of county treasurer and transferring oath and bond of register of deeds to next article.

Amended 1877 adding registers of probate, county solicitors, and sheriffs to those to be elected.

Amended 1958 changing county solicitor to county attorney.

[Art.] 72. [Counties May Be Divided into Districts for Registering Deeds.] And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds: And before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county for the punctual performance of their respective trusts.

June 2, 1784

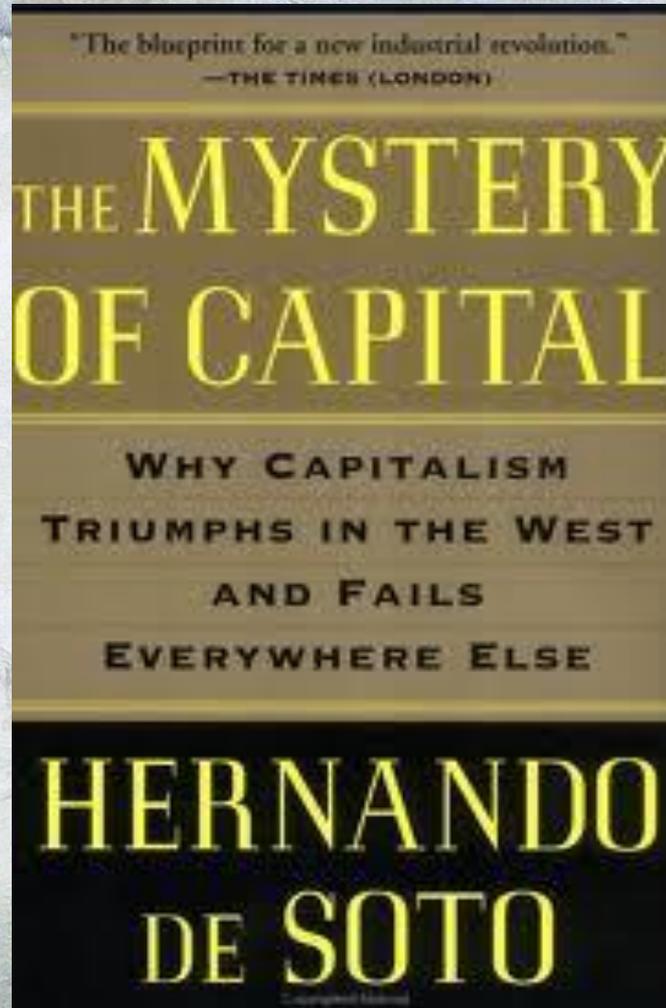
Amended 1792 providing for counties being divided into districts for registering deeds and electing registers.

TITLE XLVIII
CONVEYANCES AND MORTGAGES OF REALTY
CHAPTER 478
REGISTERS OF DEEDS
Section 478:1

478:1 Duties. – The register of deeds shall carefully keep in the office provided by the county at all times, except when he may be required by a court to produce them as evidence or when the same may be removed for the purposes of repair, all books, records, files and papers belonging thereto, and when not in use shall keep them in a safe location where their protection from fire, theft, water and the elements is insured, and he shall permit no paper there deposited for record to be taken from his office before it is recorded. Whenever any of the volumes of records in his office shall be in need of repair, he shall seasonably cause them to be suitably repaired at the expense of the county, and, if necessary, he may allow such volumes to be taken out of his office for a reasonable time for that purpose.

Source. RS 22:4. CS 23:4. GS 26:3. GL 23:15; 27:3. PS 29:1. 1911, 80:1. PL 40:1. RL 49:1. RSA 478:1. 1975, 149:2, eff. May 26, 1975.

A Cornerstone of our Economy



WITH an Official Public Record

- 1) Property title can be determined with confidence.
- 2) Real estate transactions become commonplace.
- 3) Utility companies can safely provide services.
- 4) Property maintenance and enhancement occurs willingly.
- 5) Financial institutions accelerate the concept of property ownership.
- 6) Property ownership can be leveraged into further needs.
- 7) Economic growth results. Over and over again.

WITHOUT an Official Public Record

- 1) Comparatively few real estate transactions would take place .
- 2) Utility companies would provide services to a limited number of properties.
- 3) Property maintenance and enhancement would cease.
- 4) Citizens are unable to use the equity in their home to fund business ventures, college, etc.
- 5) Society would consistently degrade.
- 6) Economic growth would never get started.
- 7) Locking the nation and its people into certain poverty.

As your Register of Deeds ...

We are tasked with the management and protection of the public record and the documents it contains.

Especially records relating to the ownership and transfer of real estate property and records that provide property rights to someone other than the owner.

Services

- 1) Recordation of new documents into the official public record (deeds, mortgages, et al)
- 2) Access and search the records and documents that make up the public record
- 3) Request copies of documents from the public record.

Services

Why are these services
and the official public
record important?

Real Estate Transaction

- 1) A motivated seller
- 2) A willing and able buyer
- 3) CONFIDENCE!

Confidence!

The official public record
makes it possible for the
BUYER to determine
confidence in the seller's title
to the property.

Confidence!

Without that confidence, few if any real estate transactions would take place – and in a much different way.

Fundamentals

1) Integrity

2) Accessibility

3) Security

Integrity

- 1) In the way we do business
- 2) In the way we treat people (and each other)
- 3) In the accuracy of the information we gather into the official public record

Accessibility

- 1) Making it easy to record proper documents into the official public record.
- 2) Making sure everyone has access to the public record so it effectively does its job – determine property title confidence.
- 3) Assuring that our systems work cooperatively with other courthouse systems to provide maximum efficiencies and enhanced information integrity.

Security

- 1) Protecting the public record from peril and corruption
- 2) Protecting against misuse of the information contained within the public record documents

Summary

- 1) The official public record is crucial to our country's continued success – and existence.
- 2) Your County Recorder of Deeds office, utilizing state of the art technology and proven procedures, continues to keep the public record accurate, accessible, and secure.

As we have for nearly 250 years here in
New Hampshire

..... and for the next 250 years.

Thank
You