

# Chapter 205

1991 EDITION

## County Clerks

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**DEFINITIONS**

**205.010 Definitions.** (1) "Recorded," "recording" and "record" when used in reference to chattel mortgages in the statutes of this state mean "recorded or filed," "recording or filing" or "record or file," as the context may require.

(2) "Transaction" means any action required or permitted by law to be recorded including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. [Amended by 1991 c.230 §10]

**GENERAL POWERS AND DUTIES**

**205.110 General powers and duties of county clerk.** (1) The county clerk in each county shall keep and maintain the records of the county governing body.

(2) The county clerk of any county in which the county court has judicial functions shall, for the county court:

(a) Keep the seal of the court, and affix it in all cases required by law.

(b) Record the proceedings of the court.

(c) Keep the records, files, books and papers pertaining to the court.

(d) File all papers delivered to the clerk for that purpose in any action or proceeding in the court.

(e) Attend the terms of the court, administer oaths and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.

(f) Under the direction of the court enter its orders and judgments.

(g) Authenticate, by certificate or transcript, as may be required, the records, files or proceedings of the court, or any paper pertaining thereto, and filed with the clerk.

(h) Exercise the powers and perform the duties conferred upon the clerk by statute.

(i) In the performance of duties pertaining to the court, conform to the direction of the court.

(3) The county clerk may take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged. [1977 c.594 §2; 1981 s.s. c.3 §39; 1983 c.327 §5; 1985 c.540 §40; 1991 c.230 §11]

**205.120** [Repealed by 1959 c.552 §16]

**205.125 County Clerk Lien Record; contents; effect.** (1) The County Clerk Lien Record maintained under ORS 205.130 shall contain the following information for each order or warrant recorded:

(a) The name of the person incurring a civil penalty under an order or against whom the warrant was issued.

(b) The name of the officer or agency that issued the warrant or order.

(c) The amount of the civil penalty or the amount, including penalties, interest and other charges, for which the warrant was issued.

(d) The date on which the order or warrant was received and recorded.

(e) Full or partial satisfaction, if any, of the lien claim created by the order or warrant.

(f) Such other information as may be considered necessary by the county clerk.

(2) Upon recording in the County Clerk Lien Record, an order or warrant shall have the attributes and effect of a judgment entered in the register and docketed in the judgment docket of the circuit court for that county from the date of recording, including but not limited to the creation of a lien in favor of the officer or agency issuing the order or warrant, renewal and enforcement by supplementary proceedings, writs of execution, notices of garnishment and writs of garnishment.

(3) An order or warrant becomes a lien upon any interest in real property of the person against whom the order or warrant is issued in the county where the order or warrant is recorded. [1983 c.696 §1; 1985 c.343 §10; 1987 c.586 §30; 1989 c.706 §2]

**205.127 Recording in County Clerk Lien Record required for certain liens.** The County Clerk Lien Record in each county where the real property is located is the place of recording a lien filed pursuant to CERCLA, 100 U.S. Stat 1630. [1987 c.586 §48]

**205.130 Recording duties of county clerk.** The county clerk shall:

(1) Have the custody of, and safely keep and preserve all files and records of deeds and mortgages of real property, and all maps, plats, contracts, powers of attorney and other interests affecting the title to real property.

(2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office of the county clerk, all:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property;

(b) Certificates of sale of real property under execution or order of court, or assign-

ments thereof or of any interest therein when properly acknowledged or proved; and

(c) Certified copies of death certificates of any person appearing in the county records as owning or having a claim or interest in land in the county.

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records; and

(c) A record called the County Clerk Lien Record in which the following shall be recorded:

(A) The warrants and orders of officers and agencies as provided by law; and

(B) All instruments presented for recordation which affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records.

(4) Perform all the duties in regard to the filing, recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests provided by law affecting the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents authorized by law to be recorded. [Amended by 1983 c.696 §8a; 1983 c.709 §43; 1983 c.763 §63; 1985 c.471 §16; 1987 c.215 §22; 1987 c.586 §31; 1989 c.171 §28; 1989 c.179 §1; 1989 c.618 §11; 1989 c.706 §§1, 2; 1989 c.738 §15; 1989 c.764 §4; 1989 c.795 §3; 1989 c.841§10; 1989 c.1035 §4; 1991 c.230 §12]

**205.135 Preparation of true copy of document not sufficiently legible to reproduce readable photographic record.** Whenever the text of a document presented for record may be made out but is not sufficiently legible to reproduce a readable photographic record, the county clerk may require the person presenting it for record to substitute a legible original document or direct the county clerk to prepare a true copy thereof by handwriting or typewriting and attach the same to the original as a part of the document for making the permanent photographic record. [1965 c.301 §1 (1)]

**205.140 Copies of records certified by clerk as evidence.** A transcript of the record of any instruments duly recorded by the county clerk under the authority of ORS 205.130 and 205.160 to 205.190, or a photographic or photostatic copy thereof, duly certified by the county clerk, under the seal of office, may be read in evidence in any court with like force and effect as the original instrument.

**205.150 Seal of clerk.** The county court shall provide a suitable seal for the use of the county clerk.

**205.160 Indexes kept by county clerk; use of alternative recording method allowed.** (1) The county clerk shall keep a general index, direct and indirect, in the office of the clerk.

(2) The general index direct shall be divided into seven columns, with heads to the respective columns as follows:

(a) Date and time of reception

(b) Names of grantor

(c) Names of grantee

(d) Nature of instrument

(e) Volume and page where recorded

(f) Remarks

(g) Brief description of tract

The clerk shall make correct entries in such general index of every instrument recorded under the appropriate heading, entering the names of the grantors in an alphabetical form.

(3) The general index indirect shall be divided into seven columns, with heads to the respective columns as follows:

(a) Date and time of reception

(b) Names of grantees

(c) Names of grantors

(d) Nature of instrument

(e) Volume and page where recorded

(f) Remarks

(g) Brief description of tract

The clerk shall make in such general index correct entries of every instrument required by law to be entered in the general index direct, entering the names of the grantors in alphabetical order.

(4) Whenever any mortgage, bond, judgment or other instrument has been released or discharged from record, or by recording a deed or lease, the clerk shall immediately note in both general indexes under the column headed "Remarks," and opposite the appropriate entry, that such instrument has been satisfied.

(5) In lieu of a general index, a county clerk may use a data processing device or computer to provide an index in machine language for indexing entries. There may be added to said index the tax account number for each piece of property affected by the entry. From said data processing device or computer, print-outs shall be made on January 1 of each year. One such print-out shall be alphabetical by grantor and grantee and shall constitute the general index herein required. In case of satisfied mortgages, bonds or other instruments released or discharged during the year, the annual print-outs shall be considered compliance with subsection (4)

of this section. A master tape or record for security purposes must be maintained for any index so created as well as a record of the data processing or computer programs in accordance with which the index in machine language is created and used, along with a record of any revisions. [Amended by 1969 c.702 §1; 1987 c.586 §32]

205.170 [Repealed by 1979 c.492 §1]

**205.180 Record of instruments received for recording.** (1) The county clerk shall keep a record which shall be divided into five columns, with heads to the respective columns as follows:

- (a) Date and time of reception
- (b) Name of grantor
- (c) Name of grantee
- (d) To whom delivered
- (e) Fees received

The clerk shall make in the record correct entries of every instrument required by law to be recorded.

(2) Whenever any instrument has been received for record, the county clerk shall immediately indorse upon such instrument a certificate, noting the day, hour and minute of its reception and fees received for recording and, when recorded, a reference to the book and page where it is recorded. The date of record of such instrument is the date of recordation.

(3) Whenever any instrument has been recorded, the county clerk shall immediately make an entry in the record of the clerk, under each appropriate heading, with the amount paid as fee for recording.

(4) After such instrument has been recorded the county clerk shall deliver it to the person authorized to receive the same, writing the name of the person to whom it is delivered in the appropriate column. [Amended by 1987 c.586 §33]

**205.190 Platting of maps of towns, villages, cemeteries.** Each county clerk shall keep a large, well-bound book, in which shall be platted all maps executed prior to May 22, 1909, of towns, villages, or additions to the same, or cemeteries, within the county, together with any description, acknowledgment or other writing therein. The clerk shall keep an index to such books of plats, which index shall contain the name of the town, village, addition or cemetery plat. The clerk shall not be bound to perform any duty required by ORS 205.130, 205.160, 205.180 and this section for which a fee is allowed, unless such fee has been paid or tendered, but when any such map has, prior to May 29, 1919, been incorrectly recorded in the plat records or deed records of the county, and such plat

so incorrectly recorded is again presented by anyone to the clerk for record, the clerk shall correctly record such map in the book of plats without charge therefor, and shall make notation on the margin of the original record of the map in the book of plats, of the fact of such re-recording, giving the book and page where the re-recording appears. The original map so re-recorded, as well as all maps recorded under this section, as well as all original maps or plats recorded prior to May 29, 1919, in the book of plats or deed records, shall be safely kept by in the office of the clerk in a suitable receptacle (having due regard to the aged, frail or worn condition of such maps) to be provided by the county. The clerk shall not refuse to comply with this section by reason of the fact that some portion of the lands so platted were brought under any statute of this state relating to the registration of land titles.

205.200 [Amended by 1969 c.532 §1; repealed by 1971 c.88 §8]

205.210 [Repealed by 1981 c.48 §8]

**205.220 Recording copies of estate records; copy as evidence.** Any copies of records of any estate administered in this state, certified to as true and correct by the clerk of the court in which the estate was or is being administered, shall be received and recorded by the officer having charge of the deed records of any county upon the payment of the fees required by law. A certified copy of such record shall be received as prima facie evidence of the original record in any court of this state.

205.230 [Amended by 1961 c.726 §411; 1965 c.619 §37; part renumbered 205.335; repealed by 1991 c.230 §35]

**205.232 Conditions for instruments to be recorded; exception.** Except as provided in ORS 205.327, a county clerk shall not accept any instrument for recording unless the instrument is printed on sheets of not less than 20-pound opaque bond paper that are not larger than 14 inches long and 8-1/2 inches wide with text printed or written in 8-point type (approximately 1/8 inch) or larger. [1991 c.230 §2]

Note: Section 8, chapter 230, Oregon Laws 1991, provides:

Sec. 8. Sections 2 to 7 of this Act [205.232 to 205.242 and 205.327] first become operative on July 1, 1992. [1991 c.230 §8]

**205.234 Requirements for first page of instruments to be recorded; cover sheet.**

(1) When any instrument is presented to a county clerk for recording, the first page of the instrument shall contain at least:

(a) The names of the transactions as required in ORS 205.236;

(b) The names of the persons described in ORS 205.125 (1)(a) and (b) and 205.160;

(c) The person to whom the instrument will be delivered as provided in ORS 205.180;

(d) For instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, the true and actual consideration paid for such transfer as required by ORS 93.030;

(e) For instruments conveying or contracting to convey fee title to any real estate, the tax statement information required by ORS 93.260; and

(f) For instruments recorded in the County Clerk Lien Record, the information described in ORS 205.125 (1)(c) and (e).

(2) Notwithstanding ORS 205.327, if an instrument presented for recording does not contain the information required by paragraphs (a) to (f) of subsection (1) of this section, a cover sheet may be prepared that contains the required information. The cover sheet shall be prepared by the person presenting the instrument for recording. The cover sheet may be attached to the instrument and shall be recorded as a part of the instrument. Any errors in the cover sheet shall not affect the transactions contained in the instrument itself. The cover sheet need not be separately signed or acknowledged. [1991 c.230 §3]

Note: See note under 205.232.

**205.236 Instrument describing two or more transactions; recordation; fee.** (1) An instrument required or permitted by law to be recorded shall be clearly labeled with the names of the transactions described therein.

(2) An instrument describing two or more transactions between the same parties and involving the same properties, recordable as separate instruments, may be recorded when the instrument is labeled with the names of the transactions described therein.

(3) When an instrument described in subsection (2) of this section is accepted for recording by a county clerk, the county clerk shall enter the instrument into the appropriate records.

(4) In addition to and not in lieu of the fees charged under ORS 205.320, a fee of \$5 shall be charged for recording each additional transaction described in subsection (2) of this section.

(5) Recording an instrument under this section when the instrument is not clearly labeled with the names of all the transactions described therein does not affect the validity of the recordation.

(6) A county clerk shall not incur civil or criminal liability, either personally or in an official capacity, for recording an instrument under this section when the instrument

is not labeled with the names of all the transactions described therein. [1991 c.230 §5]

Note: See note under 205.232.

**205.238 Return of instrument after recordation.** In every county, the county clerk shall return any instrument presented for recording to the person authorized to receive the instrument. The county clerk shall return the instrument by personally delivering or mailing the instrument not later than the 10th business day, not counting days on which the recording office is closed, after the date of recordation. [1991 c.230 §6]

Note: See note under 205.232.

**205.240** [1957 c.669 §§1, 2; repealed by 1971 c.267 §16]

**205.242 Clerk to receive instruments during specified hours; exception.** (1) Except as provided in subsection (2) of this section, in every county, the county clerk shall receive instruments presented for recording for a minimum of six hours between the hours of 9 a.m. to 4 p.m., including the first hour and the last hour, on every day except Saturdays, Sundays and other holidays.

(2) The provisions of this section may be modified for a fiscal year by the county governing body upon adoption of a resolution in which it determines in its discretion that a fiscal emergency exists. A resolution adopted under this subsection may be renewed, amended or repealed. Hours of recording shall not be reduced under the resolution to any extent greater than the reductions for other nonemergency county services housed within the same building. [1991 c.230 §7]

Note: See note under 205.232.

**205.244 Recording of corrected instruments.** (1) Any instrument that has been previously recorded may be rerecorded to make corrections in the original instrument.

(2) The county clerk shall record any instrument presented for rerecording as provided in subsection (1) of this section. The corrected instrument need not be acknowledged again. The person presenting the instrument for rerecording shall cause a rerecording certificate to be affixed to the first page of the instrument or added as a new first page to the instrument. The rerecording certificate shall contain the words "RERECORDED TO CORRECT \_\_\_\_\_ PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_ AND PAGE \_\_\_\_\_, OR AS FEE NUMBER \_\_\_\_\_."

(3) A county clerk shall not incur civil or criminal liability, either personally or in an official capacity, for recording a corrected instrument under this section. [1991 c.230 §9]

**205.245 Instruments to be recorded; fees.** (1) The county clerk shall record the

following instruments required or permitted to be filed and entered in the office of the county clerk:

- (a) Financing statements filed in the office of the county clerk under ORS 79.4010;
- (b) Hospital liens filed under ORS 87.565;
- (c) Federal tax liens and certificates and notices affecting federal tax liens filed under ORS 87.806;
- (d) Cooperative contracts filed under ORS 62.360;
- (e) Special district assessments attaching to real property;
- (f) Lien foreclosure statements filed under ORS 87.202;
- (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title to real property; and
- (h) Building code exemptions required under ORS 455.320 and 455.345.

(2) The county clerk shall charge and collect fees specified in ORS 205.320 (4) for recording any instrument required to be recorded under subsection (1) of this section.

(3) Separate indexes may be maintained for instruments recorded under subsection (1) of this section in order to provide for quick location. [Formerly 21.520; 1987 c.586 §34; 1991 c.230 §13]

Note: Section 15, chapter 791, Oregon Laws 1989, provides, in part, that section 21, chapter 791, Oregon Laws 1989, operates in lieu of ORS 205.245 until December 31, 1993. Sections 19, 21 and 22, chapter 791, Oregon Laws 1989, as amended by chapter 230, Oregon Laws 1991, provide:

Sec. 19. Provisions in lieu of ORS 205.245 until 1994. (1) Whenever the state or a political subdivision intends to forfeit any real property, the state or political subdivision may have recorded by the county clerk or other recorder of deeds of every county in which any part of the premises or real property lies a notice of intent to forfeit real property under ORS 205.245. The notice shall contain the legal description of the real property, the common address if any and the attorney responsible for the forfeiture action. From the time of recording the notice, and from that time only, the intent to forfeit is notice to purchasers and encumbrances of the rights and equities in the premises of the party filing the notice. The notice shall be recorded in the same book and in the same manner in which mortgages are recorded and may be discharged in like manner as mortgages are discharged, either by such party or the attorney signing the notice.

(2) Unless otherwise prescribed by law, a party recording a notice of intent to forfeit shall use substantially the following form:

NOTICE OF INTENT TO FORFEIT

Pursuant to section 19 of this Act, the undersigned states:

That I, \_\_\_\_\_ do declare that it is my intent to initiate forfeiture proceedings on the following described real property:

1. The description of the real property to be affected is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The common address, if any, is:

\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

This notice of intent to file forfeiture will expire on \_\_\_\_\_ day of \_\_\_\_\_, absent future filings.

Name of agency seeking forfeiture

\_\_\_\_\_

Name of Attorney

\_\_\_\_\_

Address

\_\_\_\_\_  
\_\_\_\_\_

Phone Number

\_\_\_\_\_

State of Oregon ) ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_

Notary Public for Oregon

My commission expires \_\_\_\_\_.

\_\_\_\_\_

(3) The notice of intent to forfeit property shall expire 30 days after the date of filing absent future filings to perfect. [1989 c.791 §19]

Sec. 21. (1) The county clerk shall record the following instruments required or permitted to be filed and entered in the office of the county clerk:

- (a) Financing statements filed in the office of the county clerk under ORS 79.4010;
- (b) Hospital liens filed under ORS 87.565;
- (c) Federal tax liens and certificates and notices affecting federal tax liens filed under ORS 87.806;
- (d) Cooperative contracts filed under ORS 62.360;
- (e) Special district assessments attaching to real property;
- (f) Lien foreclosure statements filed under ORS 87.202;
- (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title to real property;

(h) Building code exemptions required under ORS 455.320 and 455.345; and

(i) Notice of intent to forfeit real property.

(2) The county clerk shall charge and collect fees specified in ORS 205.320 (4) for recording any instrument required to be recorded under subsection (1) of this section.

(3) Separate indexes may be maintained for instruments recorded under subsection (1) of this section in order to provide for quick location of instruments. [1989 c.791 §21; 1991 c.230 §14]

**Sec. 22.** This Act is repealed on December 31, 1993. [1989 c.791 §22]

**205.250** [1969 c.518 §2; repealed by 1971 c.121 §3]

**205.255 Filing requirement as recording requirement.** Any requirement by the laws of this state that an instrument described in ORS 205.245 be filed in the office of the county clerk or that an instrument be filed in deed or mortgage records shall be considered to be a requirement that such instruments be recorded instead of being filed. [Formerly 21.530; 1991 c.230 §16].

**205.260** [1985 c.613 §30; repealed by 1987 c.311 §10]

### COLLECTION AND DISPOSITION OF FEES

**205.310** [Repealed by 1957 c.359 §3]

**205.320 Fees collected by county clerk.** In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) For filing and making entry when required by law of any instrument required or permitted by law to be filed, when it is not recorded, \$5.

(2) For filing and making entry of the assignment or satisfaction of any filed, but not recorded, instrument, \$5.

(3) For each official certificate, \$3.75.

(4)(a) For purposes of this subsection, "page" means one side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.

(b) For recording any instrument required or permitted by law to be recorded, for the first page, \$5, for each additional page, \$5, but the minimum fee shall not be less than \$5.

(c) For supplying to private parties copies of records or files, \$3.75 for locating a record requested by the party and 25 cents for each page.

(d) For each official certificate, \$3.75.

(5) For taking affidavit for and making and issuing marriage license and registering the return thereof, \$25.

(6) For solemnizing a marriage under ORS 106.120, \$15. This subsection does not require that the county clerk charge a fee

for solemnizing a marriage after normal working hours or on Saturdays or legal holidays.

(7) For taking and certifying acknowledgment or proof of execution of any instrument, \$3.75.

(8) For issuing any license required by law, other than a marriage or liquor license, and for which no fee is otherwise provided by law, \$5.

(9) For any service the clerk may be required or authorized to perform and for which no fee is provided by law, such fees as may favorably compare with those established by this section for similar services and as may be established by order or rule of the county court or board of county commissioners.

(10) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to ORS 203.148.

(11) For recording any municipal assessment record, as provided by law, \$5 for each page.

(12) In addition to and not in lieu of the fees charged under subsection (4) of this section, for recording the assignment, release or satisfaction of any recorded instrument, \$5 for each additional instrument being assigned, released or satisfied. [Amended by 1957 c.359 §1; 1965 c.619 §38; 1971 c.621 §25; 1975 c.607 §24; 1979 c.724 §6; 1979 c.833 §25; 1981 c.835 §13; 1981 s.s. c.3 §98; 1983 c.393 §24; 1985 c.582 §6; 1987 c.469 §2; 1987 c.586 §35; 1989 c.976 §35; 1991 c.230 §17]

**Note:** Sections 15 and 23, chapter 796, Oregon Laws 1989, provide:

**Sec. 15. Exceptions to ORS 205.320 until July 1, 1998.** (1) Notwithstanding ORS 205.320, and in addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, a fee of \$20 shall be charged and collected for the recording or filing of any instrument conveying or contracting to convey any estate or interest in real property or any trust or power concerning real property.

(2) Subsection (1) of this section does not apply to the recording or filing of the following:

(a) Instruments required to be recorded or filed in the records of mortgages or as provided under ORS 93.780 to 93.800.

(b) Instruments required to be recorded or filed in the records of statutory liens or in the County Clerk Lien Record described in ORS 205.130 (3)(c).

(c) Instruments described in ORS 205.245.

(d) Release, limitation or restriction of any power of appointment as described under ORS 93.220.

(e) Instruments for the filing or recording of which no fee is charged under ORS 205.320, including but not limited to those instruments described in ORS 93.690 and 205.400, or an instrument that conveys or contracts to convey a license or an easement to this state or to a political subdivision of this state, or to a public utility. As used in this paragraph, "public utility" means any governmental or business entity that owns or operates any plant, equipment, property, franchise or license for the transmission of communications (including but not limited to telecommunications and televisions), or the production, transmission, sale, delivery or fur-

nishing of electricity, gas, water or steam, and whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency. "Public utility" does not include a governmental or business entity that owns or operates any plant, equipment, property, franchise or license for the transportation of goods or services, including but not limited to motor, bus, air, rail or street rail.

(f) Death certificates recorded under ORS 205.130 and decrees of distribution filed in connection with an estate proceeding.

(g) Plats or vacations of plats recorded under ORS 92.100 or 271.230.

(h) Earnest money, preliminary sales agreement, options, rights of first refusal, profit a prendre and interests in timber.

(3) Except as provided under subsection (2) of this section, subsection (1) of this section does apply to the recording or filing of the following:

(a) Instruments conveying an interest in real property required to be recorded in the records of deeds.

(b) Instruments contracting to convey title to any real property, or memorandum thereof.

(c) An instrument creating a license, easement, a leasehold interest, an oil, gas or other mineral estate.

(d) A certified copy of a deed or patent issued in accordance with ORS 93.230.

(e) An assignment of sheriff's certificate of sale of real property on execution or mortgage foreclosure as described in ORS 93.530.

(f) Instruments filed or recorded under the following, if they create or convey an interest in real property as described under paragraphs (a) to (e) of this subsection: ORS 93.730, 93.760, or 93.770.

(g) Instruments described under paragraph (a) to (f) of this subsection executed by a personal representative or any decree of distribution vesting title to real property filed under ORS 116.223.

(4) The Department of Revenue may adopt rules consistent with subsections (1) to (3) of this section that further describe the instruments for which the additional fee charged under subsection (1) of this section for recording and filing shall be charged and collected.

(5) Of the amounts charged and collected under this section, five percent shall be charged and collected for the benefit of the county. The remaining 95 percent shall be deposited and credited to the County Assessment and Taxation Fund created under section 7 of this 1989 Act. [1989 c.796 §15]

**Sec. 23.** Section 15 of this Act applies to instruments filed or recorded on or after January 1, 1990, and prior to July 1, 1998. [1989 c.796 §23]

**205.325 Fee for preparing copy of illegible document.** The fee for preparing a true copy of a document not sufficiently legible to reproduce a readable photographic record shall be \$3.75 per page. [1965 c.301 §1 (2); 1971 c.621 §26; 1975 c.607 §25; 1979 c.833 §26; 1981 c.835 §14]

**205.327 Fee for recording nonstandard instruments.** When an instrument required or permitted by law to be recorded is presented to a county clerk for recording, if the instrument does not comply with the requirements of ORS 205.232 and 205.234, the county clerk shall record the instrument, but shall charge and collect in advance a fee of

\$20. The fee authorized and collected under this section shall be in addition to and not in lieu of the fees charged under ORS 205.320 for recording the instrument. [1991 c.230 §4]

Note: See note under 205.232.

**205.330** [Repealed by 1957 c.359 §3]

**205.335** [Formerly part of 205.230; 1971 c.621 §27; 1975 c.607 §26; 1979 c.833 §27; 1981 c.835 §15; repealed by 1991 c.230 §35]

**205.340** [Amended by 1971 c.621 §28; 1975 c.607 §27; 1979 c.833 §28; repealed by 1987 c.469 §3 and 1987 c.586 §49]

**205.350 Fees for approving and recording plats.** The fee for performing the services set forth in ORS 92.090, 92.100 and 271.230, shall be set by ordinance of the county governing body. [Amended by 1971 c.621 §29; 1975 c.607 §28; 1979 c.833 §29]

**205.360 Clerk to receipt and account for certain probate fees collected.** The clerk of the county court shall receive and receipt for fees prescribed in ORS 21.310 that are collected by the clerk, stating in the receipt the amount so received, from whom received and on what account the amount was received, specifying the cause or proceeding. If it is ascertained at any time that the clerk has received any such fees not so accounted for, or done service without collecting fees therefor as provided in ORS 21.310, or neglected duty in any other respect, the payment of salary of the clerk shall be withheld until the matter is fully rectified. [Amended by 1981 s.s. c.3 §99]

**205.365 Disposition of County Clerk Lien Record fees.** Within the first 10 days of the month following the month in which collected, all fees collected by a county clerk for recording and making entry of any instrument in the County Clerk Lien Record shall be paid to the county treasurer for deposit in a separate account in the county general fund. Moneys in such account shall be credited to the county clerk and used exclusively by the county clerk for payment of expenses incurred in maintaining the County Clerk Lien Record. [1983 c.696 §32]

**205.370 Payment to and disposition of trial fees by court clerk.** Trial fees in the county court exercising judicial functions shall be paid to the clerk of the court, who shall keep a regular account of them, and by whom paid, in the fee book. The clerk shall pay the amount of such fees received to the treasurer of the county, as often as once a month, taking receipt therefor in duplicate, one of which the clerk shall file in the office of the clerk and the other the clerk may retain as private property. At the annual accounting of the county officers with the county court, the clerk shall exhibit to such court a detailed statement of the trial fees received by the clerk in the course of the

year, verified by the oath of the clerk.  
[Amended by 1981 s.s. c.3 §100]

**205.380** [Amended by 1963 c.519 §32; repealed by 1981 c.48 §8]

**205.390** [Repealed by 1981 c.48 §8]

**205.395 Payment of fees by state agencies for entry in County Clerk Lien Record.** Notwithstanding the provisions of ORS 182.040 to 182.060 and 205.320 relating to the time and manner of payment of fees to the county clerk, a state officer or state agency that records a warrant, order, a certified copy of the judgment or lien record abstract or other document with a county clerk for entry in the County Clerk Lien Record shall not be required to pay the fee for that service in advance or at the time the entry is made. Except as provided in ORS 137.270 the county clerk, on the 10th day of each month, shall provide the officer or agency with an itemized statement of all recordings made by the officer or agency for the preceding month, together with the total charge therefor. The officer or agency, upon receipt of the itemized statement, shall promptly pay the amount due the county. The fees that may be charged and collected by the county clerk for recording and making entry of any instrument in the County Clerk Lien Record are those fees prescribed for recording documents. [1983 c.696 §2; 1987 c.586 §36]

**205.400 Fees not charged state or agencies for recording deed or certifying copy.** No fee shall be charged the State of Oregon, or any commission or board thereof, by any county clerk, for filing or recording any deed conveying real estate to the State or Oregon or for preparing or certifying a copy thereof.

#### MISCELLANEOUS PROVISIONS

**205.510 County clerk not to act or have partner acting as attorney.** (1) No county clerk shall during the term of office of that clerk institute or assist in instituting any suit, action or probate proceeding in any court of which the clerk is an officer, act as an attorney or counselor with or without hire in any such suit, action or proceeding, or have a partner who shall act as an attorney in any of such proceedings.

(2) The county clerk of Multnomah County and the deputies of the clerk are prohibited from practicing or having a partner practicing as an attorney-at-law, while in office.

**205.515 Orders or warrants issued by state agency or officer; docketing; transfer to County Clerk Lien Record.** (1) If an order or warrant issued by a state agency or officer was docketed in the judgment docket of the circuit court of any county before Oc-

tober 3, 1989, notice of satisfaction or release of the lien of an order or warrant so docketed shall be docketed in the same judgment docket in which the order or warrant was docketed.

(2) If an order or warrant issued by a state agency or officer was docketed in the judgment docket of a circuit court of any county before October 3, 1989, the officer or agency may cause such an order or warrant to be transferred to and recorded in the County Clerk Lien Record of the same county in which the order or warrant was originally docketed as provided in subsection (3) of this section. An order or warrant so transferred shall continue the lien created by the original docketing of the order or warrant.

(3) Upon request, the clerk of a circuit court shall supply to an officer or agency a certified copy of any order or warrant docketed in the judgment docket of a circuit court before October 3, 1989. That certified copy may then be recorded in the County Clerk Lien Record of the county where the circuit court is located in the same manner and with the same effect provided for the recording of original orders and warrants. Upon recording of the order or warrant, the agency or officer shall as soon as possible thereafter cause to be returned to the clerk of the circuit court that prepared the certified copy, the original of that certified copy reflecting the recording of the copy in the County Clerk Lien Record and the date of the recording. The clerk shall then cause to be entered in the judgment docket a notation reflecting the recording of the order or warrant in the County Clerk Lien Record and the date of the recording.

(4) Nothing in this section shall be construed to affect the status of liens created by, or require the transfer from, any judgment docket to any County Clerk Lien Record of any order or warrant docketed in a judgment docket before October 3, 1989. [1989 c.706 §5]

**205.520** [Repealed by 1981 c.48 §8]

**205.525 Satisfaction of orders or warrants issued by state agency or officer; interest on penalties imposed by orders; recording release of lien in County Clerk Lien Record.** (1) Interest on penalties imposed by orders shall run from the date of issuance of a final order at the rate provided for interest on judgments provided for in ORS 82.010 unless the penalty is paid within the time allowed by law.

(2) An order or warrant may be satisfied by payment of the amount due under the order or warrant, any penalties or interest accruing in connection with the order or warrant under law, and all costs incurred by

the agency in connection with recording, indexing or service of the order or warrant and the satisfaction thereof. When an order or warrant has been fully satisfied it shall be the responsibility of the agency or officer that issued the order or warrant to record a full satisfaction in each county in which the order or warrant was recorded.

(3) The lien of an order or warrant may be released only by the officer or agency that issued the order or warrant. A release of the lien may be recorded in the County Clerk Lien Record in which the order or warrant was recorded. If the officer or agency records

a release, the cost of recording or indexing the release may be recovered in advance from the person seeking the release. [1989 c.706 §4]

**205.530** [Repealed by 1981 c.48 §8]

### PENALTIES

**205.990 Penalties.** Any officer who violates ORS 205.510 (1) shall be deemed guilty of official misconduct and punished therefor as provided by ORS 162.415. [Amended by 1959 c.552 §15; 1971 c.743 §346]

**COUNTIES AND COUNTY OFFICERS**

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