

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 12.
RECORDER OF DEEDS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 12. RECORDER OF DEEDS.

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CHAPTER 12. RECORDER OF DEEDS.

§ 42-1201. APPOINTMENT; DUTIES; RESIDENCY REQUIREMENT; MAYORAL SUPERVISION.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1275, ch. 854, § 548; June 9, 1952, 66 Stat. 129, ch. 373, § 1; Aug. 3, 1954, 68 Stat. 650, ch. 653, § 2; Dec. 30, 1963, 77 Stat. 773, Pub. L. 88-243, § 14; Mar. 14, 1985, D.C. Law 5-159, § 23, 32 DCR 30; Apr. 4, 2003, D.C. Law 14-282, § 7(b), 50 DCR 896.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-901.

1973 Ed., § 45-701.

Temporary Repeal of Section

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

Legislative History of Laws

Law 5-159, the "End of Session Technical Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

For Law 14-282, see notes following § 42-204.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 42-1202. PURCHASE OF NECESSARY EQUIPMENT; EMPLOYMENT OF PERSONNEL.

The Recorder of Deeds of the District of Columbia is authorized and empowered to purchase such machines and equipment as he may deem necessary or expedient for the efficient, expeditious, and

economical recording of all deeds and other instruments of writing entitled by law to be recorded, and to employ such personnel as may be required to operate the same and to perform necessary services in connection therewith; and all deeds and other instruments of writing entitled by law to be recorded in the Office of the Recorder of Deeds which are recorded by means of such machines or equipment are hereby declared to be legally recorded.

(Aug. 4, 1947, 61 Stat. 730, ch. 456.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-902.

1973 Ed., § 45-701b.

Temporary Repeal of Section

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary amendment of section, see § 3 of the Lower Income Homeownership Tax Abatement and Incentives Act of 1983 Amendment Emergency Act of 1988 (D.C. Act 7-282, January 6, 1989, 36 DCR 481).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

§ 42-1203. DEPUTY RECORDER; EFFECT OF PERFORMANCE OF DUTIES.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1275, ch. 854, § 549; June 9, 1952, 66 Stat. 129, ch. 373, § 2; Aug. 3, 1954, 68 Stat. 650, ch. 653, § 3; Mar. 3, 1979, D.C. Law 2-139, § 3205(uu), 25 DCR 5740; Apr. 4, 2003, D.C. Law 14-282, § 7(b), 50 DCR 896.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-903.

1973 Ed., § 45-702.

Temporary Repeal of Section

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) repeal of section, see § 8(b) of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) repeal of section, see § 8(b) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

Legislative History of Laws

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

For Law 14-282, see notes following § 42-204.

§ 42-1204. SECOND DEPUTY RECORDER; EFFECT OF PERFORMANCE OF DUTIES.[REPEALED]

(Mar. 3, 1925, 43 Stat. 1102, ch. 416; June 9, 1952, 66 Stat. 129, ch. 373, § 3; Aug. 3, 1954, 68 Stat. 651, ch. 653, § 4; Mar. 3, 1979, D.C. Law 2-139, § 3205(v), 25 DCR 5740; Apr. 4, 2003, D.C. Law 14-282, § 8, 50 DCR 896.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-904.

1973 Ed., § 45-703.

Temporary Repeal of Section

For temporary (225 day) repeal of section, see § 9 of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) repeal of section, see § 9 of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 9 of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) repeal of section, see § 9 of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) repeal of section, see § 9 of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

Legislative History of Laws

For legislative history of D.C. Law 2-139, see Historical and Statutory Notes following § 42-1203.

For Law 14-191, see notes following § 42-405.

For Law 14-228, see notes following § 42-204.

For Law 14-282, see notes following § 42-204.

§ 42-1205. VACANCY IN OFFICE OF RECORDER; DEPUTY TO FILL VACANCY.[REPEALED]

(Mar. 3, 1901, 31 Stat. 1276, ch. 854, § 550; Apr. 24, 1926, 44 Stat. 322, ch. 176, § 2; Apr. 4, 2003, D.C. Law 14-282, § 7(b), 50 DCR 896.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-905.

1973 Ed., § 45-704.

Legislative History of Laws

For Law 14-282, see notes following § 42-204.

§ 42-1206. PUBLIC RECORDS TO BE OPEN FOR FREE, PUBLIC INSPECTION.

All public records which have reference to or in any way relate to real or personal property in the District of Columbia, whether the same be in the office of the Recorder of Deeds or in some other public office in the District of Columbia, shall be open to the public for inspection free of charge.

(Mar. 3, 1901, 31 Stat. 1277, ch. 854, § 556.)

HISTORICAL AND STATUTORY NOTES

§ 42-1207. NOTICE OF PENDENCY OF ACTION (LIS PENDENS).

(a) The pendency of an action or proceeding in either state or federal court in the District of Columbia, or in any other state, federal, or territorial court, affecting the title to or tenancy interest in, or asserting a mortgage, lien, security interest, or other ownership interest in real property situated in the District of Columbia, does not constitute notice to, and shall not affect a party not a party thereto, unless a notice of the pendency of the action or proceeding is filed for recordation, as required by subsection (b) of this section.

(b) The notice referred to in subsection (a) of this section shall be effective only if the underlying action or proceeding directly affects the title to or tenancy interest in, or asserts a mortgage, lien, security interest, right of first offer, right of first refusal, or other ownership interest in real property situated in the District of Columbia, and the notice is in writing, signed by the plaintiff, defendant, other party to the action or proceeding, or by a counsel of record for such party, desiring to have the notice filed for recordation, and notarized, stating the:

- (1) Name of the court in which the action or proceeding has been filed;
- (2) Title of the action or proceeding;
- (3) Docket number;
- (4) Date of filing;
- (5) Object of the filing;
- (6) Amount of the claim asserted or the nature of any other relief sought;
- (7) Name of the person whose estate is intended to be affected thereby; and
- (8) Description of the real property sought to be affected.

(c) The Recorder of Deeds shall admit for filing and recordation all notices that meet the requirements of subsection (b) of this section. Such notices shall have effect from the time of the filing for recordation.

(d)(1) If judgment is rendered in the action or proceeding against the party who filed the notice of the pendency, the judgment shall order the cancellation and release of the notice at the expense of the filing party as part of the costs of the action or proceeding. When appropriate, the court may also impose sanctions for the filing. In a case in which an appeal from such judgment would lie, neither party shall record the judgment until after the expiration of the latest of the following:

- (A) The time in which an appeal may be filed;
- (B) The time in which an appeal, which has been applied for, has been refused; or
- (C) Final judgment has been entered by the appellate court from an appeal which was granted.

(2) The party who filed the notice of pendency shall file the judgment ordering the cancellation and release of the notice with the Recorder of Deeds within 30 days of the occurrence of the applicable circumstances set forth in paragraph (1)(A), (B), or (C) of this subsection.

(e) If a notice of the pendency of an action or proceeding is filed for recordation and the debt or other relief for which the action or proceeding was brought is satisfied, it shall be the duty of the party who filed the notice of pendency to file for recordation a release of the notice of pendency of the action or proceeding within 30 days after the satisfaction.

(e-1) The party who filed the notice of pendency shall have the duty to cancel the notice by filing a release with the Recorder of Deeds if the underlying action or proceeding has been dismissed or terminated without entry of a judgment, and the filing of the release is not required under subsection (e) of this section. The release shall be filed within 30 days of the date the underlying action or proceeding was dismissed or terminated or of the applicable time period set forth in subsection (d)(1)(A), (B), or (C) of this section.

(e-2) The Mayor shall have the authority to file with the Recorder of Deeds a release of a notice of pendency if a cancellation or release of that notice has not been filed as required by subsection (d), (e), or (e-1) of this section and one year has elapsed since the date the cancellation or release should have been filed under subsection (d), (e), or (e-1) of this section.

(e-3)(1) Failure to cancel the notice in accordance with subsection (d), (e), or (e-1) of this section shall result in a civil fine of up to \$500.

(2) To implement this subsection, the Mayor shall establish a schedule of fines pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(f) The Mayor shall promulgate regulations to implement the provisions of this section. The Mayor may, by

regulation, establish reasonable fees for recordation of notices of lis pendens and may, by regulation, establish reasonable fees for releases of notices of lis pendens.

(g) A person with an ownership interest in real property upon which a notice of pendency of action has been filed under this section may:

(1) If the action or proceeding underlying the notice is pending in either state or federal court in the District of Columbia, file a motion to cancel the notice with the court in which the underlying action or proceeding is pending or, if the action is on appeal, in the court in which the action was originally brought; or

(2) If the action or proceeding underlying the notice is not pending in a court of the District of Columbia, bring an action in the Superior Court of the District of Columbia to cancel the notice.

(h) A court in which a motion is filed or an action is brought under subsection (g) of this section may issue an order canceling the notice of pendency of action prior to the entry of judgment in the underlying action or proceeding if the court finds any one of the following:

(1) The notice does not conform to the requirements of subsection (b) of this section;

(2)(A) The moving party will suffer an irreparable injury if the notice is not cancelled;

(B) The moving party has demonstrated a substantial likelihood of success on the merits in the underlying action or proceeding;

(C) A balancing of the potential harms favors the moving party; and

(D) The public interest favors cancelling the notice; or

(3) The underlying action or proceeding has not been prosecuted in good faith, with all reasonable diligence, and without unnecessary delay.

(i) The provisions of the Lis Pendens Amendment Act of 2010 [D.C. Law 18-180], shall apply to any notice of pendency recorded before May 27, 2010.

(j) The provisions of subsections (a) and (b) of this section shall not be construed to apply where the title to or interest in the real property affected by the notice is not directly at issue in the underlying action or proceeding.

(k) For the purposes of this section, the term "tenancy interest" means the rights of a tenant or tenants as set forth under Chapter 34 of this title, regarding the:

(1) Legitimacy of a conversion of rental housing to condominium or cooperative housing; or

(2) Purchase of rental housing.

(Mar. 3, 1901, 31 Stat. 1277, ch. 854, § 556a, as added June 24, 2000, D.C. Law 13-129, §§ 2, 3, 47 DCR 2684; Apr. 27, 2001, D.C. Law 13-292, § 1001, 48 DCR 2087; May 27, 2010, D.C. Law 18-180, § 2, 57 DCR 3384.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 13-292, in subsec. (b), substituted "other party" for "or other party".

D.C. Law 18-180, in subsec. (a), substituted "affecting the title to or tenancy interest in, or asserting a mortgage, lien, security interest, or other ownership interest" for "affecting the title to or asserting a mortgage, lien, security interest, or other interest"; in subsec. (b), substituted "this section shall be effective only if the underlying action or proceeding directly affects the title to or tenancy interest in, or asserts a mortgage, lien, security interest, right of first offer, right of first refusal, or other ownership interest in real property situated in the District of Columbia, and the notice is" for "this section shall be"; rewrote subsec. (d); in subsec. (e), substituted "party who filed the notice of pendency" for "prevailing party"; and added subsecs. (e-1) to (e-3) and (g) to (k). Prior to amendment, subsec. (d) read as follows:

"(d) If judgment is rendered in the action or proceeding against the party who filed the notice of the pendency, the judgment shall order the cancellation and release of the notice at the expense of the filing party as part of the costs of the action or proceeding. When appropriate, the court may also impose sanctions for the filing. In a case in which an appeal from such judgment would lie, the prevailing party shall not record the judgment until after the expiration of the latest of the following:

"(1) The time in which an appeal may be filed;

"(2) The time in which an appeal, which has been applied for, has been refused; or

"(3) Final judgment has been entered by the appellate court from an appeal which was granted."

Legislative History of Laws

Law 13-129, the "Fairness in Real Estate Transactions and Retirement Funds Protection Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-267, which was referred to the Committee on the

Judiciary. The Bill was adopted on first and second readings on February 1, 2000, and March 7, 2000, respectively. Signed by the Mayor on March 22, 2000, it was assigned Act No. 13-299 and transmitted to both Houses of Congress for its review. D.C. Law 13- 129 became effective on June 24, 2000.

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

Law 18-180, the "Lis Pendens Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-91, which was referred to the Committee on Public Safety and the Judiciary. The bill was adopted on first and second readings on December 1, 2009, and March 16, 2010, respectively. Signed by the Mayor on April 7, 2010, it was assigned Act No. 18-377 and transmitted to both Houses of Congress for its review. D.C. Law 18-180 became effective on May 27, 2010.

§ 42-1208. PURCHASE OF TYPEWRITING MACHINES; PREFERENCE FOR TYPEWRITTEN RECORDS.

(a) The Recorder of Deeds is authorized and empowered to purchase and use in his office, for the recording of deeds and other instruments of writing required by law to be recorded in said office, typewriting machines, to be paid for as appropriations may be made from time to time; and all deeds and other instruments of writing entitled by law to be recorded in said office which shall be recorded by typewriting machines are hereby declared to be legally recorded.

(b) The recording of all instruments filed for record in the Office of the Recorder of Deeds shall be done with book typewriter, except in those cases where, on account of the character of the work, the use of a pen shall be found by the Recorder to be necessary.

(Mar. 3, 1901, 31 Stat. 1276, ch. 854, § 551; June 27, 1906, 34 Stat. 489, ch. 3553.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-907.

1973 Ed., § 45-706.

Miscellaneous Notes

Installation and operation of automated system: Section 4 of D.C. Law 11-257 provides that upon installation and operation of an automated system, this section shall no longer apply.

Installation and operation of automated system: Section 4 of D.C. Law 11-257 provides that upon installation and operation of an automated system [pursuant to § 42-1214(b)], this section shall no longer apply.

§ 42-1209. CERTAIN RECORDS TO BE RECOPIED FOR PRESERVATION; LIMITATION ON EXPENSE.

That the Recorder of Deeds of the District of Columbia shall recopy such of the records in his office as may, in his judgment and that of a judge of the Superior Court of the District of Columbia appointed for that purpose, need recopying in order to preserve the originals from destruction. The expense of such recopying may not in any fiscal year exceed \$1,000 and such expense shall be certified by a judge of the Superior Court appointed for that purpose and audited by the General Accounting Office.

(Feb. 26, 1907, 34 Stat. 994, ch. 1636; June 10, 1921, 42 Stat. 24, ch. 18, § 304; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 573, Pub. L. 91-358, title I, § 155(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-908.

1973 Ed., § 45-707.

§ 42-1210. FEES OF RECORDER OF DEEDS.

(a) The legal fees for the services of the Recorder shall be as follows:

(1) For filing, recording, and indexing, or for making certified copy of any instrument containing 200

words or less, \$1, and \$.20 for each additional 100 words, to be collected at the time of filing, or when the copy is made;

(2) For each certificate and seal, \$.50;

(3) For searching records extending back 2 years or less next preceding current date, \$.50 and \$.15 for each additional year, to be paid by the party for whom the search may be made;

(4) For recording a plat or survey, \$.20 for each course such survey may contain;

(5) For recording a town plat, \$.25 for each lot such plat may contain;

(6) For taking any acknowledgment, \$.50;

(7) For filing and indexing a bill of sale of chattels, or a mortgage or deed of trust thereof, or a conditional bill of sale of chattels, including a release of any such instrument, \$2; provided, that for the filing of a release of any such instrument filed prior to September 3, 1952, the Recorder of Deeds shall collect a fee of \$.50;

(8) For filing an affidavit pursuant to § 41-202, \$2;

(9) For filing and indexing any other paper required by law to be filed in his office, \$.50;

(10) For filing and recording a certified copy of a judgment, decree, or entry or order of forfeiture of a recognizance, filed and recorded under § 15-102(a), \$1;

(11) For recording the release of a lien established by the recordation of a judgment, decree, or an entry or order of forfeiture of a recognizance under § 15-102(a), \$.50.

(b) In addition to the fees herein required, all corporations hereafter incorporated in the District of Columbia shall pay to the Recorder of Deeds at the time of the filing of the certificate of incorporation \$.50 on each \$1,000 of the amount of capital stock of the corporation as set forth in its said certificate; provided, however, that the fee so paid shall not be less than \$50; provided further, that the Recorder of Deeds shall not file or record any certificate of organization of any incorporation until it has been proved to his satisfaction that all the capital stock of said company has been subscribed for in good faith, and not less than 10% of the par value of the stock has been actually paid in cash, and the money derived therefrom is then in the possession of the persons named as the first board of trustees.

(c) In addition to fees otherwise provided for, the Recorder of Deeds shall charge and collect the following fees:

(1) For filing and recording each notice of mechanic's lien, \$1;

(2) For entering release of mechanic's lien, \$.50 for each order of lienor; and

(3) For each undertaking of lienee, \$.75.

(Mar. 3, 1901, 31 Stat. 1276, ch. 854, § 552; Feb. 4, 1905, 33 Stat. 689, ch. 299; June 17, 1935, 49 Stat. 384, ch. 265; June 5, 1952, 66 Stat. 128, ch. 370, § 5; July 5, 1966, 80 Stat. 265, Pub. L. 89-493, § 15(c); Nov. 2, 1966, 80 Stat. 1178, Pub. L. 89-745, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-909.

1973 Ed., § 45-708.

§ 42-1211. SURCHARGES.

(a) Notwithstanding any other provision of law, a surcharge of \$5 per document shall be paid before any document is accepted for recordation at the Recorder of Deeds.

(b) In addition to the funds collected pursuant to subsection (a) of this section, the Recorder of Deeds may accept monetary and non-monetary donations.

(c) Repealed.

(Mar. 3, 1901, 31 Stat. 1276, ch. 854, § 552a, as added Apr. 12, 1997, D.C. Law 11-257, § 2, 44 DCR 1247; Oct. 3, 2001, D.C. Law 14-28, § 2402, 48 DCR 6981; Aug. 16, 2008, D.C. Law 17-219, § 2017, 55 DCR 7598.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-909.1.

Effect of Amendments

D.C. Law 14-28 rewrote subsec. (c) which had read as follows:

"(c) The \$5 surcharge established pursuant to subsection (a) of this section shall remain in effect for a 5-year period beginning from April 12, 1997."

D.C. Law 17-219 repealed subsec. (c), which had read as follows:

"(c) The \$5 surcharge established under subsection (a) of this section shall remain in effect for a 10-year period beginning from April 12, 1997."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2202 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

Legislative History of Laws

Law 11-257, the "Recorder of Deeds Recordation Surcharge Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-670, which was referred to the Committee on the Whole. The Bill was adopted in first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-512 and transmitted to both Houses of Congress for its review. D.C. Law 11-257 became effective on April 12, 1997.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

For Law 17-219, see notes following § 42-1103.

Miscellaneous Notes

Short title: Section 2016 of D.C. Law 17-219 provided that subtitle G of title II of the act may be cited as the "Recorder of Deeds Recordation Surcharge Amendment Act of 2008".

Section 2018 of D.C. Law 17-219 provides that this subtitle shall apply as of April 11, 2007.

§ 42-1212. FEES AND EMOLUMENTS OF RECORDER OF DEEDS DEPOSITED WITH COLLECTOR OF TAXES.

All of the fees and emoluments of the Office of Recorder of Deeds of the District of Columbia shall be paid at least weekly to the Collector of Taxes for the District of Columbia for deposit in the Treasury of the United States to the credit of the District of Columbia.

(Apr. 24, 1926, 44 Stat. 322, ch. 176, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-910.

1973 Ed., § 45-709.

Miscellaneous Notes

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IV-C of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IV-C of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969.

§ 42-1213. MAINTENANCE OF OFFICE TO BE INCLUDED IN ESTIMATE OF DISTRICT APPROPRIATIONS; APPROPRIATIONS FOR BUILDING, EQUIPMENT, AND SUPPLIES AUTHORIZED.

The annual estimates of appropriations for the government of the District of Columbia shall include estimates of appropriations for the operation and maintenance of the Office of the Recorder of Deeds. And appropriations are hereby authorized for a suitable record building for the Office of the Recorder of Deeds, and for personal services, rentals, office equipment, office supplies, and such other expenditures as are essential for the efficient maintenance and conduct of such office.

(Apr. 24, 1926, 44 Stat. 322, ch. 176, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-911.

1973 Ed., § 45-710.

§ 42-1214. RECORDER OF DEED AUTOMATION AND INFRASTRUCTURE IMPROVEMENT FUND.

(a) Notwithstanding §§ 42-1205 and 42-1212, there is established in the Treasury of the District of Columbia a fund to be known as the Recorder of Deeds Automation and Infrastructure Improvement Fund ("Fund") into which shall be deposited all funds collected pursuant to § 42-1211. The Recorder of Deeds Automation and Infrastructure Improvement Fund shall be a fund as defined in §§ 47-373, 47-876, and 47-1304(h). All interest earned on monies deposited in the Fund shall be credited to the Fund established herein, and used solely for the purposes designated in this section and as described in subsection (b-1) of this section. Revenues in the Fund shall remain available for expenditure without regard to fiscal year limitation.

(b) Revenues accruing to the Fund shall be used solely and exclusively to cover the costs of updating the automated system of the Recorder of Deeds and the repair and improvement of the infrastructure located at 515 D Street, N.W., Washington, D.C., and any incidental costs associated with that repair and improvement. These costs shall include the purchasing of computer hardware and software, maintenance of the new computer system, training staff to implement and operate the new system, and the repair of the infrastructure components necessary to meet the overall mission of the Recorder of Deeds.

(b-1) Notwithstanding subsection (b) of this section, revenues accounted for and deposited into the Fund under the authority of §§ 47-876 and 47-1304(h), together with interest accruing thereon, shall be used solely and exclusively by the Real Property Tax Administration of the Office of Tax and Revenue for the purposes under which the revenue was charged and collected.

(c) For purposes of this section, the term "infrastructure components" means the air and heating systems, elevator, roof, ceilings, windows, doors, walls, plumbing, floors, basement, electrical system, mechanical systems, and other similar components that make up the improvements located at 515 D Street, N.W., Washington, D.C.

(d) The Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures for the restricted purposes designated in subsections (b) and (b-1) of this section from the Fund. The request shall include an accounting of the use of funds from the Fund in the previous fiscal year. Appropriations from the Fund shall remain available until expended. Any revenue received, but not appropriated in a given fiscal year, shall be retained by the Fund.

(e) Nothing in this section shall be construed to prohibit or limit the appropriation of additional funds from the revenues of the District for the operations of the Real Property Tax Administration of the Office of Tax and Revenue, including appropriations to support the purposes specified in subsections (b) and (b-1) of this section. The revenues accruing to the Fund shall be considered as supplementing and enhancing the operations of the Real Property Tax Administration of the Office of Tax and Revenue, and are not intended to be used to supplant support for the Real Property Tax Administration of the Office of Tax and Revenue provided through the general funds of the District.

(Apr. 24, 1926, 44 Stat. 322, ch. 176, § 3, as added Apr. 12, 1997, D.C. Law 11-257, § 3, 44 DCR 1247; Apr. 20, 1999, D.C. Law 12-264, § 50, 46 DCR 2118; Apr. 4, 2003, D.C. Law 14-282, § 10, 50 DCR 896; Mar. 13, 2004, D.C. Law 15-105, § 72(b), 51 DCR 881; Mar. 2, 2007, D.C. Law 16-192, § 1022, 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

Effect of Amendments

D.C. Law 14-282, in subsec. (a), substituted "§§ 47-373, 47-876, and 47-1340(h)" for "§ 47-373" and substituted ", and used solely for the purposes designated in this section and as described in subsection (b-1) of this section." for "and used solely for the purposes designated in this section."; added subsec. (b-1); in subsec. (d), substituted "subsection (b) and (b-1)" for "subsection (b)"; and in subsec. (e), substituted "Real Property Tax Administration of the Office of Tax and Revenue" for "Recorder of Deeds" and substituted "subsection (b) and (b-1)" for "subsection (b)".

D.C. Law 15-105, in subsecs. (d) and (e), validated previously made technical corrections.

D.C. Law 16-192 rewrote subsec. (b), which had read as follows:

"(b) Revenues accruing to the Fund shall be used solely and exclusively to cover the costs of updating the automated system of the Recorder of Deeds and repair of the infrastructure of improvements located at 515 D Street, N.W., Washington, D.C. These costs shall include, but not be limited to, the purchasing of computer hardware and software, maintenance of the new computer system, training staff to implement and operate the new system, and the repair of the infrastructure components necessary to meet the overall mission of the Recorder of Deeds."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 11 of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) amendment of section, see § 11 of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 11 of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 11 of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 11 of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

For temporary (90 day) amendment of section, see § 1022 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 1022 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 1022 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For legislative history of D.C. Law 11-257, see Historical and Statutory Notes following § 42-1211.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective April 20, 1999.

For Law 14-282, see notes following § 42-204.

For Law 15-105, see notes following § 42-407.

For Law 16-192, see notes following § 42-903.

Miscellaneous Notes

Short title: Section 1021 of D.C. Law 16-192 provided that subtitle C of title I of the act may be cited as the "Recorder of Deeds Automation and Infrastructure Improvement Fund Use Clarification Act of 2006".

§ 42-1215. RECORDATION OF SERVICE AND DISCHARGE CERTIFICATES; CERTIFIED COPIES THEREOF; RECORDATION OF NOTICE OR OTHER DOCUMENT RELATING TO FEDERAL TAX LIENS; FEES.

(a) The Recorder shall also receive for record and record all certificates of service and certificates of discharge of persons released from active duty in or discharge from the armed forces of the United States, for which no fee shall be charged or collected, but the record of any certificate authorized by this

section to be recorded shall not constitute constructive notice of the existence or contents of such certificate. For making certified copies of any of the foregoing certificates from the records in the Office of the Recorder the usual fees shall be charged.

(b) The Recorder of Deeds shall accept for filing any notice of federal tax lien or any other document affecting such a lien if such notice or document is in the form prescribed by the Secretary of the Treasury or his delegate and could be filed with the Clerk of the United States District Court for the District of Columbia. The fee for each such filing with the Recorder of Deeds shall be the same as the fee charged by the Recorder of Deeds for filing a similar document for a private person. The Recorder of Deeds shall bill the District Director of Internal Revenue on a monthly basis for fees for documents filed by such District Director. Any document releasing or affecting any notice of federal tax lien which has been filed with the Clerk of the United States District Court for the District of Columbia prior to the effective date of this subsection shall be filed with such Clerk.

(Mar. 3, 1901, ch. 854, § 548a; Apr. 27, 1945, 59 Stat. 100, ch. 101; July 5, 1966, 80 Stat. 266, Pub. L. 89-493, § 17(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-912.

1973 Ed., § 45-711.

References in Text

The phrase "effective date of this subsection," near the end of subsection (b), refers to the effective date of the Act of July 5, 1966, and § 21 of that Act provided that the Act would take effect on the first day of the first month which was at least 90 days after July 5, 1966.

§ 42-1216. OFFICE CLOSED ON SATURDAYS.

Notwithstanding the provisions of any other act, the Office of the Recorder of Deeds for the District of Columbia shall be closed on every Saturday.

(Aug. 2, 1946, 60 Stat. 860, ch. 758, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-913.

1973 Ed., § 45-712.

§ 42-1217. EXTENSION OF TIME FOR RECORDATION; SATURDAY, SUNDAY, AND LEGAL HOLIDAYS.

Any writing, the time for recording of which expires on a Saturday, or on a Sunday, shall be deemed to have been recorded within the time prescribed if such writing be recorded on the first day thereafter other than Sunday or a legal holiday.

(Aug. 2, 1946, 60 Stat. 861, ch. 758, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-914.

1973 Ed., § 45-713.

§ 42-1218. AUTHORITY OF MAYOR TO ADJUST FEES; COMPUTATION OF RATES; EXCEPTION.

(a) Notwithstanding the provisions of §§ 42-1210, 50-1212, and 50-1213, or any other act of Congress, the Mayor of the District of Columbia may, from time to time, increase or decrease the fees authorized to be charged for filing, recording, and indexing or for making a certified copy of any instrument; for searching records; for taking acknowledgments; for recording plats; for filing affidavits; for filing certificates of incorporation and amendments of certificates; for recording liens, assignments of liens, or releases of liens on motor vehicles or trailers; or for any other service rendered by the Office of the Recorder of Deeds.

(b) The fees for services rendered by the Office of the Recorder of Deeds shall be fixed at such rates, computed on such bases and in such manner, as may, in the judgment of the Mayor, be necessary to defray the approximate cost of operating the Office of the Recorder of Deeds.

(c) Nothing in this section shall be construed as authorizing the Mayor to modify any provision of Chapters 1, 2, and 3 of Title 29.

(Aug. 3, 1954, 68 Stat. 650, ch. 653, § 1; July 2, 2011, D.C. Law 18-378, § 3(ff), 58 DCR 1720.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-915.

1973 Ed., § 45-714.

Effect of Amendments

D.C. Law 18-378, in subsec. (c), substituted "Chapters 1, 2, and 3 of Title 29" for "Chapter 1 of Title 29".

Legislative History of Laws

Law 18-378, the "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009", was introduced in Council and assigned Bill No. 18-500, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 27, 2011, it was assigned Act No. 18-724 and transmitted to both Houses of Congress for its review. D.C. Law 18-378 became effective on July 2, 2011.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.