

Special Note: The following is a summary of the Minutes taken from the Recorder's Advisory Council meeting held on Thursday, September 15, 2011 and does not necessarily provide a detailed verbatim transcription of the Minutes.

MINUTES

**RECORDER'S ADVISORY COUNCIL
THURSDAY, SEPTEMBER 15, 2011
9:30 A.M.**

**CLARK COUNTY GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
1ST FLOOR, PUEBLO ROOM
LAS VEGAS, NEVADA 89155**

Members Present

Eugene Mendiola, Clark County Assistant Recorder
Lisa Fershin, Equity Land Title
Sara Sorbello, Equity Land Title
Jon Morgan, Equity Title of Nevada
JR Albrecht, First American Title Company of Nevada
Julie Skinner, First American Title Insurance Company of Nevada
Joe Fitzgibbons, FNTG Las Vegas Title Group
Paul Bell, GLVAR- Prudential Americana Group
Rene Espinosa, Nations Title Company of Nevada
Lisa Forbes, Nevada Title Company
Brenda Durant, NexTitle
Troy Sears, NexTitle
Vanah Rafanelli, Noble Title
Kevin DiStefano, Noble Title
Kehau Haia, Old Republic Title Company
Brad Berrett, Republic Services
Bill Sung, SPL Inc.
Ryan Clegg, SPL Inc.
Denise Reyes, Stewart Title of Nevada

Members Absent

Mona Baca-Shaw, California Hall Service
Joe McCaffery, Chicago Title Escondido
Debra Pomponio, Commerce Title Company
Tami Miramontes, Community Title Services of Nevada
Tracey Keller, DHI Title
James Orate, Document Processing Solutions, Inc.
Eric Puhl, Escrow Unlimited
Sue Naumann, GLVAR- Tsunami Properties Inc.
Keith Kelley, Kelley and Associates Real Estate
Daniel Potucek, Law Office of Daniel Potucek
Steve Dover, Lawyers' Title

Laurie Quigley, Legal Wings
Robert C. Sherratt, Mesquite Title Company
Gloria Elmen, Nevada State Bank
Cyndi Riska, Nevada State Title
Nick Nicholson, North American Title Company
Ellie Lumsden, Premier Realty Group
Jack Woodcock, Prudential Americana Group, REALTORS
Jerry Smith, Realty Ticor Group
Troy Hicks, Red Rock Title & Escrow Company
Susan Hescher, Service 1st Nevada
Jerry R. Smith, Ticor Realty Group
Troy Hicks, Public Member

Staff

Denise Gulia, Clark County Recorder's Office
Laurel Jimenez, Clark County Recorder's Office
Maurice Reid, Clark County Recorder's Office
Sheila Salehian, Clark County Recorder's Office
Susan Wohlbrandt, Clark County Recorder's Office
Maggie Tellez, Clark County Recorder's Office
Courtney Hill, Clark County Recorder's Office
Chris Chong-Wong, Clark County Recorder's Office
Billy Purcell, Clark County Recorder's Office
Shirley Stein, Clark County Recorder's Office
David Pierce, Clark County Assessor's Office

Guests

Ann Pongracz, State of Nevada Attorney General's Office

I. Call to Order

Eugene Mendiola, Clark County Assistant Recorder, called the meeting to order at approximately 09:35 AM.

II. Introductions

The committee members each introduced themselves and the companies they represent.

III. New Business

a. Approval of September 15, 2011 Minutes

The RAC members unanimously approved the minutes for the September 15, 2011 meeting.

b. Changes to Fee Schedule

Eugene Mendiola, Clark County Assistant Recorder, announced that the Recorder's Office fee schedule will be considered for modifications by the Board of County Commissioners at their September 20, 2011 meeting. If approved, the effective date for the changes to the fee schedule will be implemented on October 1, 2011 and the Recorder's Office will adjust the fee schedule accordingly.

c. Update on Multi-Document Recordings

Eugene Mendiola, Clark County Assistant Recorder, mentioned that the Recorder's Office is working on capturing a majority of the multi-titled documents and included that the office is working on a list of these titles to be implemented in October.

Mendiola, then introduced Ann Pongracz from the State of Nevada Attorney General's Office to discuss the new legislation that was approved during the 2011 Legislative Session regarding the foreclosure documents being recorded by the Recorder's Office. The new legislation would involve Assembly Bill AB284, with Majority Leader Marcus Conklin and Nevada Attorney General Catherine Cortez Masto as key figures regarding this bill.

Ann Pongracz, State of Nevada Attorney General's Office, provided information regarding Assembly Bill AB284 which was approved during the 2011 Legislative Session which provides more oversight over the unwarranted foreclosure proceedings and prevents the usage of robo-signing that is occurring in the Las Vegas Valley, which would not interfere with the legitimate foreclosures that are currently being processed by the banks. **Pongracz** indicated that the bill is to prevent the foreclosure from taking the homes from those that are being foreclosed upon by those that do not have the legal right to do so.

Pongracz mentioned that Majority Leader Marcus Conklin and Nevada Attorney General Catherine Cortez Masto and other members of the working group have developed what is known as AB284. Their requirements will impact the workloads of title companies and the Recorder's Office. **Pongracz** stated that there is a requirement that all mortgages, deeds of trusts, and assignments must be recorded in the county if it is to be used in order for a foreclosure to occur. The second requirement would alleviate the majority of fraudulent foreclosures to occur and would need to be recorded alongside a Notice of Default, is the requirement of a notarized Notice of Power to Sell to be recorded by the entity that is initiating the foreclosure process. This would require the entities to organize their paperwork in order to properly foreclose on a property.

Pongracz introduced a sample of the Notice of Power to Sell in order for the members to gain familiarity with the document and stated that the form would be available for download online as well as providing the document via email to those that would like to request a copy.

Eugene Mendiola, Clark County Assistant Recorder, stated that the form would also need to abide with the margin requirements that the Recorder's Office has for documents.

Pongracz also indicated that any changes to the document margins are welcomed by any of the RAC members.

Ann Pongracz, State of Nevada Attorney General's Office, said that the notarized Notice of Power to Sell must be recorded and the entity must be sure that the recording of the attempt to foreclose on a property is truthful; otherwise it is subject to the penalty of perjury.

Mendiola questioned if the document would be part of the notice of default and if it would be classified also as a multi-titled document. **Pongracz** provided that the document is to be recorded alongside the notice of power to sell and that the document might be a multi-titled document but is not sure.

Lisa Forbes, Nevada Title Company, stated that the title companies could submit the form as a supporting document with the Notice of Default at the time of recording. **Pongracz** mentioned that there was an issue of whether or not to combine the Notice of Default with the Notice of Power to Sell and the solution would be to keep the documents as single filings.

Mendiola stated that the document needs to be modified to prevent the repetition of the APN and the recording label of the requestor of the recording, as well as the mailing information on the form. **Pongracz** said that the form will also provide the information of who owns a homeowner's loan and provides this identification to the homeowner as well as a history of who owned the loan previously. **Pongracz** stated that the entity must be the legal owner of the loan in order to legally foreclose on the property affected by the foreclosure process. **Pongracz** mentioned that the changes would allow the Attorney General's Office to enforce the foreclosure proceedings through the courts and allow the homeowners to challenge the foreclosure process.

d. Technology-Related Projects

Laurel Jimenez, Clark County Recorder's Office, followed up on the implementation of the multi-titled document fee and the change in the recordation system. The new system will create a "parent" document with each title of the document being considered a "child". The "child" documents will have the multi-title fees but the "parent" document will hold all other fees. The new system will go into effect October 3, 2011.

Lisa Fershin, Equity Land Title, questioned if each title will be linked to the original parent document in the search system. **Jimenez** replied that all of the "children" will appear when searching for a certain multi-titled document. Each of the "child" documents will have the same image, but will be indexed specifically by their title.

Laurel Jimenez, Clark County Recorder's Office, informed the council members that the E-Notary project is progressing. A model has been obtained and is being reviewed by the Recorder's Office as well as the Secretary of State. This model will be similar to that of the state of North Carolina, whose E-Notary system is the first successful one of three states that have already implemented this system. More information regarding this model can be found on the North Carolina Secretary of State's website.

Courtney Hill, Clark County Recorder's Office, announced that the microfilm readers that were in the public area of the Recorder's Office have now been replaced by computers using the Digital Reel system. Pamphlets are available for those who are unfamiliar with Digital Reel as well as the assistance of the Recorder's Office staff.

Eugene Mendiola, Clark County Assistant Recorder, stated that the Kiosk project is still being reviewed and worked on. **Mendiola** also added that the Recorder's Office will be implementing Quick Response (QR) codes on pamphlets and fliers to allow customers to integrate and communicate with the Recorder's Office. **Hill** reminded the council members that QR codes on documents presented for recording must be compliant with the current formatting requirements.

e. Records Research Workshops / Non-Compliance Training Classes

Eugene Mendiola, Clark County Assistant Recorder, announced that the Records Research Workshops have concluded and will resume after the new year. **Mendiola** also stated that anyone interested in Non-Compliance training can sign up and a time and location would then be determined.

f. Wedding Officiates Workshop

Eugene Mendiola, Clark County Assistant Recorder, informed the council members of an upcoming Wedding Officiant Workshop on October 19, 2011.

IV. Miscellaneous Discussions

Lisa Forbes, Nevada Title Company, questioned if Republic Service liens were the only liens that could be recorded without a notary and a facsimile signature. **Mendiola** replied that Republic Service and the City of Las Vegas are the only liens that can be recorded with such information. Signature specimens are used to determine signature authorizations for the City of Las Vegas liens.

Lisa Forbes, Nevada Title Company, inquired if the instrument of a recorded document could be changed to incorporate the dash between the date and the actual instrument number of the document (i.e. 2011109150001234 vs. 20110915-0001234). **Forbes** added that her company's search system cannot pick up a document when searching unless it has the dash within the number. **Mendiola** stated that this issue would be discussed in further detail and the council members will be informed once a decision has been reached.

V. Public Comments

Eugene Mendiola, Clark County Assistant Recorder, presented the option of foregoing the December RAC meeting due to the holiday season. **Fershin** and **Forbes** stated that it would be best to hold the meeting with the upcoming fee and policy changes. **Mendiola** stated that the December RAC meeting will still commence and reminded the council members that any questions or opinions regarding AB284 should be directed to **Ann Pongracz, State of Nevada Attorney General's Office**.

VI. Next Meeting Date: Wednesday March 14, 2011, 1st Floor, Pueblo Room,
Clark County Government Center, 500 S. Grand Central Pkwy., Las Vegas, NV 89155

VII. Adjournment

The meeting was adjourned at 10:40 AM.