

28-115. Fees of register of deeds; monthly billing to internal revenue service; standards for documents to be filed; disposition of fees.

(a) The register of deeds of each county shall charge and collect the following fees:

(1) For the following documents received and filed prior to January 1, 2015, the fees shall be:

- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$6;
- (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$2;
- (C) recording town plats, for each page, a fee of \$20;
- (D) recording release or assignment of real estate mortgages, a fee of \$5;
- (E) certificate, certifying any instrument on record, a fee of \$1;
- (F) acknowledgment of a signature, a fee of \$.50;
- (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$5;
- (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$5; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$5.

(2) For the following documents received and filed on and after January 1, 2015, but prior to January 1, 2016, the fees shall be:

- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$8;
- (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$4;
- (C) recording town plats, for each page, a fee of \$23;
- (D) recording release or assignment of real estate mortgages, a fee of \$7;
- (E) certificate, certifying any instrument on record, a fee of \$4;
- (F) acknowledgment of a signature, a fee of \$3.50;
- (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$8;
- (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$8; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$8.

(3) For the following documents received and filed on and after January 1, 2016, but prior to January 1, 2017, the fees shall be:

- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$11;
- (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$7;
- (C) recording town plats, for each page, a fee of \$26;
- (D) recording release or assignment of real estate mortgages, a fee of \$10;
- (E) certificate, certifying any instrument on record, a fee of \$7;
- (F) acknowledgment of a signature, a fee of \$6.50;
- (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$11;
- (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$11; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$11.

(4) For the following documents received and filed on and after January 1, 2017, but prior to January 1, 2018, the fees shall be:

- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$14;
- (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$10;
- (C) recording town plats, for each page, a fee of \$29;
- (D) recording release or assignment of real estate mortgages, a fee of \$13;
- (E) certificate, certifying any instrument on record, a fee of \$10;
- (F) acknowledgment of a signature, a fee of \$9.50;
- (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$14;
- (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$14; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$14.

(5) For the following documents received and filed on and after January 1, 2018, the fees shall be:

- (A) For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8 ½" x 14", a fee of \$17;
- (B) for second page and each additional page or fraction thereof of deeds, mortgages or other instruments of writing, a fee of \$13;
- (C) recording town plats, for each page, a fee of \$32;
- (D) recording release or assignment of real estate mortgages, a fee of \$16;
- (E) certificate, certifying any instrument on record, a fee of \$13;
- (F) acknowledgment of a signature, a fee of \$12.50;
- (G) for filing notices of tax liens under the internal revenue laws of the United States, a fee of \$17;
- (H) for filing releases of tax liens and certificates of discharge under the internal revenue laws of the United States or the revenue laws of the state of Kansas, a fee of \$17; and

(I) for filing liens for materials and services under K.S.A. 58-201, and amendments thereto, a fee of \$17.

(b) In addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$2 per page prior to January 1, 2015, and \$3 per page on and after January 1, 2015, for recording:

- (1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8½" x 14";
- (2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and
- (3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. Prior to January 1, 2015, the county treasurer shall deposit such funds in the register of deeds technology fund as provided by K.S.A. 2016 Supp. 28-115a, and amendments thereto. On and after January 1, 2015, the county treasurer shall deposit \$2 of such funds in the register of deeds technology fund as provided by K.S.A. 2016 Supp. 28-115a, and amendments thereto, \$.50 of such funds in the county clerk technology fund as provided by K.S.A. 2016 Supp. 28-180, and amendments thereto, and \$.50 of such funds in the county treasurer technology fund as provided by K.S.A. 2016 Supp. 28-181, and amendments thereto.

(c) For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the secretary of health and environment or the secretary's designee pursuant to K.S.A. 39-709, and amendments thereto.

(d) If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to the instrument, the register of deeds shall charge and collect a fee of \$1 in addition to all other fees provided in this section.

(e) If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page. The document shall be of sufficient legibility so as to produce a clear and legible reproduction. If a document is judged not to be of sufficient legibility so as to produce a clear and legible reproduction, such document shall be accompanied by an exact copy which shall be of sufficient legibility so as to produce a clear and legible reproduction and which shall be recorded contemporaneously with the document and shall be counted as additional pages. The register of deeds may reject any document which is not of sufficient legibility so as to produce a clear and legible reproduction.

(f) Any document which was filed on or after January 1, 1989, which was of a size print or type smaller than 8-point type but which otherwise was properly filed shall be deemed to be validly filed.

(g) All fees required to be collected pursuant to this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary.

(h) Except as otherwise provided by subsection (b), all fees required to be collected pursuant to this section shall be paid by the register of deeds to the county treasurer and deposited into the general fund of the county.

(i) On and after January 1, 2015, in addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$1 per page for recording:

- (1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8 1/2" x 14";
- (2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and
- (3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. The county treasurer shall pay quarterly to the state treasurer all funds accruing under this subsection. All such moneys paid to the state treasurer shall be deposited in the state treasury and credited to the heritage trust fund. No payments under this subsection shall be made by the county treasurer to the state treasurer during any calendar year in excess of a total of \$30,000. All moneys collected in excess of this amount which under this subsection would be paid to the state treasurer shall be credited to the county general fund.

(j) On and after January 1, 2015, the fee shall not exceed \$125 for recording single family mortgages on principal residences imposed pursuant to this section where the principal debt or obligation secured by the mortgage is \$75,000 or less.

History: L. 1913, ch. 197, § 15; R.S. 1923, 28-115; L. 1949, ch. 260, § 4; L. 1955, ch. 214, § 1; L. 1959, ch. 184, § 1; L. 1965, ch. 564, § 401; L. 1967, ch. 215, § 1; L. 1970, ch. 148, § 1; L. 1973, ch. 174, § 1; L. 1976, ch. 194, § 1; L. 1979, ch. 316, § 13; L. 1983, ch. 129, § 1; L. 1988, ch. 125, § 1; L. 1989, ch. 114, § 1; L. 2002, ch. 98, § 1; L. 2010, ch. 44, § 16; L. 2013, ch. 112, § 21; L. 2014, ch. 140, § 14; July 1.