



**MADISON COUNTY MS
CHANCERY CLERK
ELECTRONIC RECORDING
TRUSTED SUBMITTER AGREEMENT**

This Trusted Submitter Agreement (the "Agreement") is entered into by and between the **Madison County Mississippi Chancery Clerk** and Submitter, whose name and address is set forth below. By this Application and Agreement, Submitter seeks to become a Trusted Submitter of real estate documents and other recordable documents through an electronic portal.

1. Electronic Recording (eRecording):

eRecording is defined based on the level of automation and structure of the transaction. The Madison County Chancery Clerk's Office currently accepts **Level 1** and **Level 2** transmissions only, as defined in Attachment A.

2. Program Eligibility:

As provided by Rule 1.8, Attorneys, banks, mortgage bankers, title closing companies, title insurance companies, title underwriters, governmental entities, and other trusted entities may submit real property documents for eRecording. eRecording requires a business relationship as well as mutual trust between the Chancery Clerk's Office, the Submitter, and a third party vendor transmitting electronic records. All parties to the eRecording transaction desire to operate and maintain a secure recording system that safeguards parties to recordation from deceit, fraud, and forgery. This Application and Agreement outlines the procedures and practices for the trusted relationship between the Chancery Clerk's Office and all Submitters. Participation in the eRecording program is voluntary and the decision to do so is a business judgment. The Chancery Clerk's Office will continue to receive paper documents to be recorded into the Official Records.

The Chancery Clerk's Office is currently exclusively eRecording with the following vendor:

**County Recording, LLC / MEDIR-Gov, LLC
PO Box 12686
Jackson, MS 39236**

3. County Requirements:

The eRecording Program of the Chancery Clerk's Office is defined by the requirements included in this Application and the Attachments referenced herein, as may be amended (the "eRecording Rules").

Attachment A – Technical Specifications: provides the technical specifications including the format, models of eRecording supported, transmission protocols, and security requirements of the electronic records. All eRecording participants must agree to provide transmissions following the specifications outlined.

Attachment B – Documents and Indexing Specifications: contains the document and indexing specifications for the eRecording Program. For each document type, the expected document code is provided, along with the expected indexing information.

Attachment C – Service Offering and eRecording Reasons for Rejections: contains the processing schedules, hours of operation for the eRecording Program, and reasons for rejection of an eRecorded document.

Attachment D – Payment Options: provides the method(s) of payment which will be accepted by the Chancery Clerk's Office.

These eRecording Rules will stay in effect until notice is given of a pending change. The Chancery Clerk's Office will post the details of any changes on its website and use its best efforts to provide at least fifteen (15) business days advance notice of any changes.

4. eRecording Submitter Responsibilities:

Submitters are expected to abide by Mississippi law. eRecording allows Submitters to prepare, sign, and/or transmit documents and business records in electronic formats. The electronically transmitted documents will be considered the "original" record of the transaction, in substitution for, and with the same intended effect as, paper documents and, in the case that such documents bear a digital or electronic signature, paper documents bearing handwritten signatures.

Submitters are expected to be diligent in ensuring that documents submitted for eRecording have been checked before submission for errors, omissions, scanning defects, illegible areas, and other deficiencies that would affect the ability of the Chancery Clerk's Office to record the document and the public notice to be created thereby.

Submitters are required to attest to the accuracy and completeness of the electronic records and acknowledge responsibility for the content of the documents. Should a dispute or legal action arise concerning an electronic transaction, the Chancery Clerk's Office will be held harmless and will not be liable for any damages.

Submitters are responsible for the costs of the system or services provided by a third party that enables them to meet the requirements of this eRecording Program.

Submitters will immediately notify the Chancery Clerk's Office of any security incident, including, but not limited to, attempts to and/or actual unauthorized access to its pathway which would compromise or otherwise adversely affect the Chancery Clerk's Office data systems.

Submitters will work to ensure that all security measures and credentials implemented are protected. Documents are to be authenticated and transmitted without modification. Submitters are expected to maintain an audit trail of all activity, available to the Chancery Clerk's Office, at its request, to resolve issues or investigate potential fraudulent activity. The audit trail must contain, at a minimum, the following: submitter ID, submitted content at point of receipt from Submitter, submitted content at point of delivery to the Chancery Clerk's Office, dates and times submitted, size, and total fee(s) due.

Submitters are responsible for coordinating all technical problems and issues through the Chancery Clerk's Office.

5. Chancery Clerk's Responsibilities:

The Chancery Clerk's Office will attempt to protect the integrity of the recording process through ongoing monitoring of documents received and recorded through eRecording means.

eRecording is one method of transmitting documents to be recorded in the Official Records of the Chancery Clerk. The Chancery Clerk's Office will test and maintain eRecording software and hardware required to operate the eRecording capability. The Chancery Clerk's Office, however, shall be held harmless and will not be held liable for any damages resulting from software or equipment failure and assumes no contractual liability for any damages that may result from such failure.

The Chancery Clerk's Office will apply the same level of diligence in handling documents submitted electronically as those submitted through the traditional manual paper process.

6. General Understandings:

The Chancery Clerk's Office will not incur any liability for the information electronically transmitted by Submitters, including, but not limited to, any breach of security, fraud, or deceit.

The Chancery Clerk's Office and Submitters will attempt, in good faith, to resolve any controversy or claim arising out of or relating to eRecording through negotiation prior to initiating litigation.

The Chancery Clerk's Office may terminate any Submitter's authorization to eRecord documents for any reason.

Documents may be rejected in accordance with Mississippi law, including, but not limited to, the following reasons: document errors, failure to pay the filing or other fees due, the document is not a type the Chancery Clerk's Office is authorized to accept for recording, or the document fails to meet any other applicable legal requirement.

7. Termination:

The Chancery Clerk may cease eRecording at any time for any reason as long as fifteen (15) business days notice is provided.

SUBMITTER INFORMATION

Name of Individual or Entity: _____

Street Address: _____

City, State, Zip: _____

Phone Number: _____

Person Responsible for administration of electronic recording by Applicant:

Phone Number: _____ Email: _____

Short Description of nature of business: _____

By signing below, the Submitter hereby acknowledges that the Submitter understands and will abide by the terms of this Application and Agreement, including Attachments, as may be amended.

Date

Signature of Applicant
By: _____

Its: _____

Date

Chancery Clerk
By: _____

Its: _____

Attachment A

Technical Specifications

1. Accepted Models for Electronic Recording

The three models of automation are as follows:

Level 1: Submitting organizations transmit scanned images of original ink signed documents to the office of the Chancery Clerk. The office of the Chancery Clerk completes the recording process in the same way as paper using the imaged copy as the source document. Once the office of the Chancery Clerk accepts the documents for recording, the scanned image is “burned” with the recording information, including recording date and time as well as the unique recording reference number, such as instrument number. Indexing is performed by the indexing staff of the Chancery Clerk’s office, as with paper documents. A copy of the recorded images is returned to the submitter, together with the recording endorsement data.

Level 2: Submitting organizations transmit scanned images of ink signed documents or an electronic document electronically signed and notarized, along with data necessary for processing, indexing, and returning the document, to the office of the Chancery Clerk. The office of the Chancery Clerk performs an electronic examination of the imaged document and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned to the submitter, together with the recording endorsement data.

Level 3: Submitting organizations transmit documents which have been created, signed and notarized electronically containing the electronic indexing information, or SMART™ documents which are a single object containing the electronic version of the document in such a way that enables the electronic extraction of data from the object. SMART™ documents are required to be signed and notarized electronically. Electronic signatures must comply with the Uniform Electronic Transaction Act (UETA). The office of the Chancery Clerk performs an electronic examination of the electronic documents and indexing information, then completes the recording process using the electronic documents. Images of electronic and SMART™ documents are made, and returned to the submitting organization, along with recording endorsement data.

2. Format of the Transmitted File

Property Records Industry Association (PRIA)/Mortgage Industry Standards Maintenance Organization (MISMO) file format standards will be used. The file format shall be TIFF or PDF, and must be so specified.

3. Communications Protocol and Options

Transmission Control Protocol/Internet Protocol (TCP/IP), HTTP and HTTPS will be used.

4. Security Framework

Encryption will be a minimum 128 bit file and image encryption. Secure Socket Layer (SSL) and user login/password will be employed. User passwords are controlled by the Submitter and should be monitored/or changed periodically to ensure security. Computers on which documents originate must have all critical operating system patches applied, must have a firewall (hardware or software) installed, and must have up to date virus scan software.

5. Returned File Format

Property Records Industry Association (PRIA)/Mortgage Industry Standards Maintenance Organization (MISMO) file format standard will be used. Documents will be returned in the file format (TIFF or PDF) specified by the submitter.

6. Electronic Signatures and Use of Digital Certificates

The use of Electronic Signatures and Digital Certificates will need to adhere to the guidelines set out in any applicable Mississippi Statutes and Mississippi Secretary of State administrative rules.

7. Imaging Standards

Documents will be scanned at a minimum of 200 dpi. Documents will be scanned in portrait mode. Document images will be captured in **multi page** (for 2 or more pages) storage format. Scanned documents will be legible and reproducible – including signatures and notary seals. Document details, such as margins, font size, and other similar requirements, must meet all applicable state or local standards. Documents must be scanned to original size.

Attachment B

Documents and Indexing Specifications

1. Eligible Document Types

All document types recorded in a paper-based world are acceptable for eRecording.

2. County Specific Document Type Coding

Please refer to PRIA Web site (www.pria.us) for the Logical Data Dictionary, which lists all the “Document Types.” It is the Chancery Clerk's intention to not reject documents based on “incorrect or non-County specific” document types. The Chancery Clerk's Office will correct the document type as part of the acceptance process.

3. Indexing Fields for each Document Code

See the attached table.

4. Document Imaging Quality Control Standards

The xhtml document must display in W3C (World Wide Web Consortium) Standards.

5. Notary Requirements per Document

It is the responsibility of the Submitter to confirm that notary signatures and seals are present on all documents that require them. Inked notary seals are strongly recommended, in place of embossed notary seals which require "darkening" by the Submitter prior to submittal.

6. Eligible Document Batches

Document batches will be submitted by a standard naming convention as specified by the Chancery Clerk. The maximum size of electronic document batches will be determined by the Chancery Clerk.

Attachment C

Service Offering

1. Hours of Operation

Documents may be submitted at any time during the week. Documents will only be processed between 8:00 a.m. and 5:00 p.m. CST on those days that the Chancery Clerk's Office is open to the public for business. Documents will not be processed on county holidays, weekends, declared emergencies, etc. or in the event of network or equipment failure. The Chancery Clerk's Office will attempt to notify Submitters of any disruption in service.

2. Processing Schedules

Documents must be received by **4:00 pm** local time to be guaranteed to be recorded or rejected on the date received. Documents received after **4:00 pm** local time MAY be recorded or rejected on the next business day.

3. Alternative Delivery Options

There are no other electronic delivery options at this time.

4. Return Options

Submitted documents that are accepted for recording will be made available to the Submitter in electronic format after recording. Notice of Acceptance will be provided to Submitter within 24 hours (excluding weekends, holidays, and any other time in which the Chancery Clerk's Office is closed) of submission. The document image and indexing data shall either be included in the notice of Acceptance, or provided subsequently.

Submitted documents that are rejected will be made available to the Submitter in electronic format after rejection, along with a description of the reason(s) for rejection. Notice of Rejection will be provided within 24 hours (excluding weekends, holidays, and any other time in which the Chancery Clerk's Office is closed) of submission.

5. Service Help Contact Information

The following Chancery Clerk staff members are identified as the primary points of contact for the Submitter:

Holli McCarra

Email: holli.mccarra@madison-co.com

Phone: 601.855.5640

Kim Arnold

Email: kim.arnold@madison-co.com

Phone: 601.855.5524

The following Delivery Agent staff members are identified as the primary points of contact for the Submitter:

Name: Larry Bellipanni (COUNTY Recording, LLC)

Email: larryb@medirgov.com

Phone number: 888.633.4748 Ext.

Attachment D

Payment Options

ACH Debit

Automated Clearing House (ACH) Debit transactions will be accepted as the payment method for an eRecording transaction. The Submitter must sign an authorization form, allowing Automated Clearing House (ACH) transactions against the account being used to process fees for documents submitted. It is the Submitter's responsibility to inform the Chancery Clerk of any changes that may effect an ACH transaction at least 10 days before the change. The Chancery Clerk may terminate the Submitter's authorization for failure to report changes in ACH, or for unavailability of funds. The Submitter will not be able to access the eRecording system if applications have been accepted and the fees have not been collected.