DELAWARE STATE-WIDE INFORMATION TECHNOLOGY AND ARCHITECTURE STANDARDS

Standard ID:	**IN-ARC-001**
Title:	**Real Property Electronic Recording Standard**
Domain:	**Information**
Discipline:	**Archive**
Date Updated :	**9/27/2019**
Revision no.:	**0**
Original Date:	**4/27/2009**

I. Authority, Applicability and Purpose

A) **Authority:** Title 29 Chapter 90C Delaware Code, §9004C – General Powers, duties and functions of DTI "2) Create, implement and enforce statewide and agency technology solutions, policies, standards and guidelines, including as recommended by the Technology Investment Council on an ongoing basis and the CIO"

B) **Applicability:** Applies to all State of Delaware communications and computing resources. DTI is an Executive Branch Agency and has no authority over the customers in Legislative and Judicial Branches, as well as School Districts, and other Federal and Local Government entities that use these resources. However, all users, including these entities, must agree to abide by all policies, standards promulgated by DTI as a condition of funding, access and continued use of these resources.

C) **Purpose:** This standard covers the requirements for the electronic recording of real property records. The approach for this standard was heavily borrowed from the Commonwealth of Virginia (see "VIRGINIA REAL PROPERTY ELECTRONIC RECORDING STANDARD" SEC505-00, Effective Date: May 1, 2007)

II. SCOPE

A. **State of Delaware** – This Standard is for the reporting to the State of land records including deeds, indentures, letters of attorney relating to land, mortgages, releases of lien of mortgages, leases, releases, assignments, conditional sales and leases of railroad and railway equipment and rolling stock, plots and descriptions, and agreements of owners bounding and marking lands.

B. **Areas Covered –** All counties and all Real Property filings within the counties.

C. **Environments –** This standard covers all Real Property recordings reported to the State of Delaware.

III. PROCESS

A. Adoption – These standards have been adopted by the Department of Technology and Information (DTI) through the Technology and Architecture Standards Committee (TASC) and are applicable to all Information Technology use throughout the state of Delaware.

B. Revision – Technology is constantly evolving; therefore the standards will need to be regularly reviewed. It is the intent of the TASC to review each standard annually. The TASC is open to suggestions and comments from knowledgeable individuals within the state, although we ask that they be channeled through your Information Resource Manager (IRM).

C. Contractors – Contractors or other third parties are required to comply with these standards when proposing technology solutions to DTI or other state entities. Failure to do so could result in rejection by the Delaware Technology Investment Council. For further guidance, or to seek review of a component that is not rated below, contact the TASC at dti_tasc@state.de.us.

D. Contact us – Any questions or comments should be directed to dti_tasc@state.de.us.

IV.   DEFINITIONS / DECLARATIONS

A. DEFINITIONS / DESCRIPTIONS

1. **Document** means information that is:

    a)   Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

    b)   Eligible to be recorded in the land records maintained by the recorder.

2. **Electronic document** means a document that is received by the recorder in an electronic form.

3. **Electronic** means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

4. **Electronic recording commission** means the commission established by § 184 of Title 25.

5. **Electronic signature** A traceable e-mail or a biometric identifier applied to a message. The identifier may be based on digitized handwriting or another biometric feature (such as a fingerprint). The electronic signature cannot be removed and applied to other documents to forge a signature.

6. **Paper document** means a document that is received by the recorder in a form that is not electronic.

7. **Person** means an individual, corporation, business trust, estate, trust, partnership, Limited Liability Company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

These standards are adopted by the Department of Technology and Information (DTI), through the Technology and Architecture Standards Committee (TASC), and are applicable to all Information Technology use throughout the State of Delaware. Any questions or comments should be directed to dti_tasc@state.de.us.

2 of 6   9:25 AM   10/2/2019   Real Property Electronic Recording Standard

8. **PRIA** The Property Records Industry Association (PRIA) is a not-for-profit 501 (C)(6) corporation. The Association represents a unique partnership of business and government members of the property records industry, with the end goal of facilitating recordation and access to public property records. This goal is accomplished by facilitating the research, development, creation, and implementation of national standards, systems and procedures for the industry.[1]

9. **Real Property Records** means land and generally, whatever is erected, growing upon or affixed to it. It also includes rights issuing out of, annexed to, or exercisable within or about the real property.

10. **Recorder** means the recorder of deeds for the county in which a document is received.

11. **State** means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

A. DECLARATIONS

1. This standard is not intended to conflict with any existing records retention schedules for local governments as issued by the Delaware Public Archives.

2. This standard brings Delaware in line with the recommendations for a uniform set of laws across the country for the electronic filing of land records, so once a real estate transaction goes to settlement, the attorney or settlement agent can file the documents for recordation directly from their office, streamlining real estate settlement processes for the benefit of the citizens Delaware and users of the electronic filing system.

3. Additional authority for this standard is provided by Title 25, Delaware Code, Chapter 1, § 180-184 regarding Electronic Recording, http://delcode.delaware.gov/title25/c001/sc05/index.shtml

4. For additional guidance, refer to Model Guidelines for Electronic Records as issued by the Delaware Public Archives, available at https://archives.delaware.gov/govsvcs/records_policies/

---

[1] https://www.pria.us

These standards are adopted by the Department of Technology and Information (DTI), through the Technology and Architecture Standards Committee (TASC), and are applicable to all Information Technology use throughout the State of Delaware. Any questions or comments should be directed to dti_tasc@state.de.us.

3 of 6   9:25 AM 10/2/2019   Real Property Electronic Recording Standard

5. PRIA XML Examples[2]

These are only 2 examples of the official standards. The complete and latest standards adopted by the State of Delaware as well as supporting documentation can be found at http://dti.delaware.gov/information/standards-policies.shtml

```
<!ELEMENT PRIA_DOCUMENT (GRANTOR+, GRANTEE+, PROPERTY*, PARTIES, EXECUTION,
MORTGAGE_CONSIDERATION?, CONSIDERATION*, RECORDABLE_DOCUMENT*, SIGNATORY*,
NOTARY*, RECORDING_ENDORSEMENT?, EMBEDDED_FILE*)>
<!ATTLIST PRIA_DOCUMENT
  _ID ID #IMPLIED
  _Code CDATA #IMPLIED
  DocumentNonRecordableIndicator (Y | N) #IMPLIED
  PRIAVersionIdentifier CDATA #IMPLIED
  _UniqueIdentifier CDATA #IMPLIED
  RecordableDocumentSequenceIdentifier CDATA #IMPLIED
  RecordableDocumentType (AbstractOfJudgment | AffadavitOfDeath | Assignment |
AssignmentOfMortgage | AssignmentOfDeedOfTrust | BargainAndSaleDeed | BlanketAssignment | Deed |
DeedOfTrust | FederalTaxLien | Judgment | ModificationAgreementOrConsolidationAgreement | Mortgage |
Other | PartialSatisfactionOfLien | PowerOfAttorney | QuitClaimDeed | Reconveyance | ReleaseOfLien |
ReleaseOfFederalTaxLien | ReleaseOfStateTaxLien | ReleaseOfTreasurersTaxLien | SatisfactionOfLien |
SatisfactionOfMortgage | SecurityInstrument | SignatureAffidavit | StateTaxLien | SubordinateLienAgreement
| SubstitutionOfTrustee | TreasurersTaxLien | WarrantyDeed) #IMPLIED
  RecordableDocumentTypeOtherDescription CDATA #IMPLIED
<!ATTLIST GRANTEE
  _ID ID #IMPLIED
  _StreetAddress CDATA #IMPLIED
  _StreetAddress2 CDATA #IMPLIED
  _City CDATA #IMPLIED
  _State CDATA #IMPLIED
  _PostalCode CDATA #IMPLIED
  _County CDATA #IMPLIED
  _Country CDATA #IMPLIED
  _FirstName CDATA #IMPLIED
  _MiddleName CDATA #IMPLIED
  _LastName CDATA #IMPLIED
  _NameSuffix CDATA #IMPLIED
  _UnparsedName CDATA #IMPLIED
  _CapacityDescription CDATA #IMPLIED
  MaritalStatusType (Married | NotProvided | Divorced | Separated | Unknown | Unmarried) #IMPLIED
  NonPersonEntityIndicator (Y | N) #IMPLIED
  _SequenceIdentifier CDATA #IMPLIED
>
```

---

[2] http://www.pria.us

PRIA Associated Document:

```
<!ELEMENT _ASSOCIATED_DOCUMENT EMPTY>
<!ATTLIST _ASSOCIATED_DOCUMENT
  _ID ID #IMPLIED
  _BookNumber CDATA #IMPLIED
  _BookType (Plat | Deed | Mortgage | Maps | Other) #IMPLIED
  _BookTypeOtherDescription CDATA #IMPLIED
  _Code CDATA #IMPLIED
  _CountyOfRecordationName CDATA #IMPLIED
  _Title CDATA #IMPLIED
  _InstrumentNumber CDATA #IMPLIED
  _Number CDATA #IMPLIED
  _OfficeOfRecordationName CDATA #IMPLIED
  _PageNumber CDATA #IMPLIED
  _RecordingDate CDATA #IMPLIED
  _RecordingJurisdictionName CDATA #IMPLIED
  _SequenceIdentifier CDATA #IMPLIED
  _StateOfRecordationName CDATA #IMPLIED
  _Type (AbstractofJudgment | AffidavitofDeath | Assignment | AssignmentofDeedofTrust |
AssignmentOfMortgage | BargainAndSaleDeed | BlanketAssignment | Deed | DeedOfTrust | FederalTaxLien
| Judgment | ModificationAgreementOrConsolidationAgreements | Mortgage | Other |
PartialSatisfactionOfLien | PowerofAttorney | QuitClaimDeed | Reconveyance | ReleaseofFederalTaxLien |
ReleaseOfLien | ReleaseofStateTaxLien | SatisfactionOfLien | SatisfactionofMortgage | StateTaxLien |
SecurityInstrument | SignatureAffidavit | SubordinateLienAgreement | SubstitutionofTrustee |
TreasurersTaxLien | WarrantyDeed) #IMPLIED
  _TypeOtherDescription CDATA #IMPLIED
  _VolumeNumber CDATA #IMPLIED
>
```

III. *DEFINITION of RATINGS*

COMPONENT RATING	USAGE NOTES
STANDARD – DTI offers internal support and/or has arranged for external vendor support as well (where applicable). DTI believes the component is robust and solidly positioned in its product life cycle.	These components can be used without explicit DTI approval for both **new projects** and **enhancement** of existing systems.
DECLINING – Deprecated - DTI considers the component to be a likely candidate to have support discontinued in the near future. A deprecated element is one becoming invalid or obsolete.	Via the State's waiver process, these components must be explicitly approved by DTI for **all projects**. They must not be used for **minor enhancement** and **system maintenance** without explicit DTI approval via the State's waiver process.
DISALLOWED – DTI declares the component to be unacceptable for use and will actively intervene to disallow its use when discovered.	No waiver requests for new solutions with this component rating will be considered.

A. **Missing Components** – No conclusions should be inferred if a specific component is not listed. Instead, contact the TASC to obtain further information.

IV. Component Assessments

#	Component	Rating	Comments

1	**Format**
	    PDF
	    TIFF
		Emerging	Real property records should be maintained in, or be exportable to, either PDF or TIFF formats.

2	**XML Indexing Format**	**Emerging**	Indexes should be in XML format and, at a minimum, should include Names, Document Type, Instrument Number, Volume/Page, and Recording Date. The full requirements are currently established by the Property Recording Industry Association (PRIA), PRIA eRecording XML Standard v2.4.1 (see www.pria.us) and they are made a part of this Real Property Electronic Recording Standard by this reference.

These standards are adopted by the Department of Technology and Information (DTI), through the Technology and Architecture Standards Committee (TASC), and are applicable to all Information Technology use throughout the State of Delaware. Any questions or comments should be directed to dti_tasc@state.de.us.

6 of 6   9:25 AM 10/2/2019   Real Property Electronic Recording Standard