

## COMMONWEALTH OF VIRGINIA



**Information Technology Resource Management Standard**

## **VIRGINIA REAL PROPERTY ELECTRONIC RECORDING STANDARD**

**Virginia Information Technologies Agency (VITA)**

**ITRM PUBLICATION VERSION CONTROL**

**ITRM Publication Version Control:** It is the User's responsibility to ensure they have the latest version of this ITRM publication. Questions should be directed to VITA's Director for Enterprise Architecture (EA) Division within the Commonwealth Security and Risk Management Directorate. EA will issue a Change Notice Alert and post on the VITA Web site, provide an email announcement to the Agency Information Technology Resources (AITRs) and Information Security Officers (ISOs) at all state agencies and institutions of higher education as well as other parties EA considers to be interested in the change.

This chart contains a history of this ITRM publication's revisions.

Version	Date	Purpose of Revision
Original	5/1/2007	Base Document:
SEC505-00.1	12/08/2017	This administrative update is necessitated by changes in the Code of Virginia and organizational changes in VITA. No substantive changes were made to this document.
SEC505-00.2	5/21/2021	This administrative update is necessitated by changes in the Code of Virginia and organizational changes in VITA. No substantive changes were made to this document.

**Identifying Changes in This Document**

See the latest entry in the table above.

Vertical lines in the left margin indicate that the paragraph has changes or additions. Specific changes in wording are noted using italics and underlines; with italics only indicating new/added language and italics that is underlined indicating language that has changed.

The following examples demonstrate how the reader may identify updates and changes:

**Example with no change to text** – The text is the same.

**Example with revised text** – This text is the same. *A wording change, update or clarification has been made in this text.*

**Example of new section** – *This section of text is new.*

**Review Process**

Enterprise Architecture (EA) Division provided the initial review of this publication.

**Online Review**

All Commonwealth agencies, stakeholders, and the public were encouraged to provide their comments through the Online Review and Comment Application (ORCA). All comments were carefully evaluated and individuals that provided comments were notified of the action taken.

**Agency Online Review**

The report was posted on VITA's Online Review and Comment Application (ORCA) for 30 days. All agencies, stakeholders, and the public were encouraged to provide their comments through ORCA. All comments were carefully evaluated and individuals that provided comments were notified of the action taken.

**PREFACE****Publication Designation**

SEC505-00.2

**Subject**

Virginia Real Property Electronic Recording Standard

**Effective Date**

5/21/2021

**Compliance Date**

5/21/2021

**Supersedes**Virginia Real Property Electronic Recording Standard  
SEC 505-00.1**Scheduled Review:**

One (1) year after the effective date

**Most Recent Review****Authority**Code of Virginia, [§2.2-2009](#) (Additional Powers of the CIO relating to security)Code of Virginia, Title 55.1, Chapter 6, Article 8 (Uniform Real Property Electronic Recording Act); [§55.1-664](#) (Uniform Standards)Code of Virginia, Title 55.1, Chapter 3, Article 3 (Satisfaction of Security Interest in Real Property); [§55.1-352](#) (Uniform Standards)**Scope**

This Standard is applicable to all Clerks of the Circuit Courts (hereinafter collectively referred to as "Clerks") that accept and record land records electronically pursuant to the above Acts.

**Purpose**

To bring the Commonwealth in line with the recommendations for a uniform set of laws across the country for the electronic filing of land records. 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 process for the benefit of citizens of the Commonwealth and users of the electronic filing system.

**Responsibilities**

(Italics indicate quote from the Code of

Virginia requirements)

**Chief Information Officer of the Commonwealth**

In accordance with Code of Virginia, § 2.2-2009, the Chief Information Officer (CIO) is assigned the following duties: "the CIO shall direct the development of policies, procedures and standards for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, procedures, and standards will apply to the Commonwealth's executive, legislative, and judicial branches, and independent agencies and institutions of higher education. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs."

**Virginia Information Technologies Agency (VITA) In**

accordance with the Code of Virginia, VITA is responsible developing "...standards to implement electronic recording of real property documents" in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, interested citizen and businesses.

**All Circuit Court Clerks**

Responsible for complying with Standard SEC505-01 issued by the Chief Information Officer of the Commonwealth of Virginia upon implementation by the Clerk of a system for electronic filing of land records documents.

**Executive Branch Agencies** Provide input and review during the development, adoption and update of statewide technical and data policies, standards and guidelines for information technology and related systems.**Judicial and Legislative Branches** In accordance with the Code of Virginia §2.2-2009: the "CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs."**Glossary of Security Definitions**As appropriate, terms and definitions used in this document can be found in the COV ITRM IT Glossary. The COV ITRM IT Glossary may be referenced on the ITRM Policies, Standards and Guidelines web page at <http://www.vita.virginia.gov/library/default.aspx?id=537>.**Related Policies, Standards, and Guidelines** Useful templates may be downloaded from the ITRM Policies, Standards and Guidelines web page at <http://www.vita.virginia.gov/library/default.aspx?id=537>.

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## 1. Introduction

### 1.1 Acknowledgements

The Commonwealth of Virginia would like to acknowledge the following organizations that contributed staff, information and documents in the development of the Virginia Electronic Recording Standard.

- Executive Secretary of the Supreme Court of Virginia
- National Notary Association
- Property Records Industry Association
- State Compensation Board
- Stonewall Title and Escrow
- Trust Properties, Inc.
- Virginia Association of Mortgage Brokers
- Virginia Bankers Association
- Virginia Bar Association
- Virginia Court Clerks' Association
- Virginia Information Technologies Agency
- Virginia Land Title Association
- Virginia Real Estate Attorneys League

### 1.2 How to Use this Standard

This Standard implements the electronic recording of real property documents pursuant to sections [55.1-352](#) and [55.1-664](#) of the *Code of Virginia*.

### 1.3 Definitions

#### 1.3.1. Clerk

"Clerk" means a Clerk of the Circuit Court.

#### 1.3.2. Document

"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 clerk.

#### 1.3.3. Electronic

"Electronic", as defined in the Uniform Electronic Transactions Act (Va. Code [§59.1-479](#) et seq.), means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

**1.3.4. Electronic Document**

“Electronic document” means a document received by the clerk in electronic form.

**1.3.5. Electronic Signature**

“Electronic signature,” as defined in the Uniform Electronic Transactions Act (Va. Code §[59.1-479](#) et seq.), means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**1.3.6. eRecording System**

The “eRecording system” is the automated electronic recording system implemented by the Clerk for the recordation of electronic documents among the land records maintained by the Clerk.

**1.3.7. Land Records Document**

“Land records document” means any writing authorized by law to be recorded, whether made on paper or in electronic format, which the Clerk records affecting title to real property.

**1.3.8. Filer**

“Filer” means an individual, corporation, business trust, estate, trust, partnership, Limited Liability Company, association, joint venture, public body, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity who files an electronic document among the land records maintained by the clerk.

**1.3.9. Electronic Notarization**

“Electronic notarization” means an official act by a notary public in accordance with the Virginia Notary Act (Va. Code § [47.1-1](#) et seq.) and Virginia Code § [55.1-618](#) with respect to an electronic document.

**2. Virginia Real Property Electronic Recording Requirements****2.1 Technical Requirements**

The following technical requirements address the implementation of an eRecording system in the Office of the Clerk of the Circuit Court. This Standard addresses the functional requirements that must be met by any eRecording system. However, an eRecording system vendor may achieve the functional requirements by a variety of technical approaches. This Standard seeks to ensure the integrity of electronic documents filed in an eRecording system and to provide methodologies for electronic filing that achieves the same or greater level of quality assurance while creating efficiencies in the use of technology over the current paper system.

This Standard acknowledges that a clerk may implement an eRecording system for the electronic filing of land records documents, but is not required to do so. If an eRecording system is utilized, however, it shall be in accordance with this Standard.

## **2.2 Electronic Filing and Transmission**

Electronic filing and transmission is the process by which information is delivered by electronic means rather than in the conventional paper form. This is limited to any land records documents, as defined in the Code of Virginia.

## **2.3 Levels of Document Intelligence**

An eRecording system shall be designed to accommodate one or more of the following levels of document intelligence.

### **2.3.1 Level One**

A document created in paper, signed in ink, converted into an electronic format, and sent to the clerk's office for recording in an electronic format (usually as a .TIFF or .PDF file) without indexing the information required by the clerk's office.

### **2.3.2 Level Two**

A document created in paper, signed in ink, converted into an electronic format, and sent to the clerk's office for recording in an electronic format (usually as a .TIFF or .PDF file). The indexing information required by the clerk's office is sent in a separate file along with the electronic document.

### **2.3.3 Level Three**

A document created electronically, digitally signed and sent to the clerk's office for recording in an electronic format. The indexing required by the clerk's office is not "tagged" within the document. Instead, the indexing data is sent in a separate file along with the actual document and can be read automatically by the clerk's system and automatically placed into the clerk's indexes.

### **2.3.4 Level Four**

A document created electronically, digitally signed and sent to the clerk's office for recording in an electronic format. The indexing data required by the clerk's office is "tagged" within the document as the document is being created by the preparer. When the electronic document is received by the clerk's office, the clerk's system automatically reads the "tagged" indexing and places it into the clerk's indexes.

## **2.4 Electronic Signature**

The eRecording system shall accommodate electronic signatures pursuant to the Uniform Electronic Transactions Act (Va. Code [§59.1-479](#) et seq.).

## 2.5 Electronic Notarization

The eRecording system shall accommodate electronic notarization of documents otherwise in accordance with Title 47.1 of the Code of Virginia.

The clerk's eRecording system shall provide for notarized electronic documents in a manner that complies with the following sections of the *Code of Virginia*: the electronic filing requirements ([§17.1-258.3](#) et seq.), the Virginia Notary Act ([§47.1-1](#) et seq.), the Real Property Electronic Recording Act ([§55.1-662](#) et seq.), the Uniform Recognition of Acknowledgments Act ([§55.1-616](#) et seq.), and the Uniform Electronic Transactions Act ([§59.1-479](#) et seq.).

- Standards for electronic notarization

Electronic notarial certificate requirements. When performing an electronic notarization, a notary public shall complete an electronic notarial certificate, which shall be attached to, or logically associated with, the document and shall be in a form that is independently verifiable and will be invalidated if the underlying document is improperly modified.

- Personal appearance requirement.

A notary public shall not perform an electronic notarization if the principal does not appear in person before the notary public at the time of notarization, unless otherwise authorized by law to do so. [Source: Va. Code [§55.1-618](#), [§55.1-620](#); *A Handbook for Virginia Notaries Public*]

- Electronic signature appropriate for the electronic notarization of land records

When performing an electronic notarization, the notary public shall use an electronic signature that is: (i) unique to the notary public, (ii) capable of independent verification, (iii) under the notary public's sole control, (iv) attached to, or logically associated with, the electronic document in such a manner that it can be determined if any data contained in the electronic document has been changed subsequent to the electronic notarization, and (v) otherwise in accordance with the Code of Virginia.

- Liability, sanctions and remedies for improper electronic notarizations

The liability, sanctions and remedies for the improper performance electronic notarizations are the same as described and provided in Virginia Code [§ 47.1-1](#) et. seq. for the improper performance of non-electronic notarizations.

## 2.6 Document and System Security Requirements

The eRecording system shall comply with the requirements of Section 2.6. There are security standards established by the Commonwealth, such as the Information Security Standard ([ITRM SEC501](#)), security standards established by local governments, security standards established by various agencies of the federal government and recommended "best practices" for security standards established by various national proprietary organizations. VITA recognizes that the Office of the Circuit Court Clerk is



part state and part local, thus it is not required that a particular clerk's office follow the requirements in the Information Security Standard in their entirety but rather, based on each clerk's risk assessment and Business Impact Analysis, be guided by the various sections referenced below in this Standard when they establish their system security. It is likely that a particular clerk's office, since the clerk's land records databases are part of the overall electronic database of that particular locality, would comply with the security standards established by that particular local government.

VITA was tasked by the General Assembly with establishing the "Virginia Real Property Electronic Recording Standard", which is set out in this document. Each clerk is required to comply with the Virginia Real Property Electronic Recording Standard.

As part of the Virginia Real Property Electronic Recording Standard, it is necessary for each clerk to have security standards in place. The requirement of Section 2.6 of the Virginia Real Property Electronic Recording Standard is that each clerk have security standards in place that at a minimum address the items listed in Sections 2.6.1 through 2.6.6. To facilitate understanding of the security standards contained in Sections 2.6.1 through 2.6.6, refer to the Information Technology Security Standard ([ITRM SEC501](#)). However, there is no requirement that the clerk comply with the VITA Security Standards.

### **2.6.1 Encryption**

The eRecording system will be designed to

- A. Support, at a minimum 128-bit file and image encryption over a secure network.
- B. Provide for the periodic updates to encryption by the eRecording system vendor.
- C. Comply with U.S Government restrictions on the export of encryption technologies.
- D. Advise the filer of their liabilities and responsibilities for keeping their keys secure.
- E. Provide a secure key management system for the administration and distribution of cryptographic keys.
- F. Require all encryption keys to be generated through an approved encryption package and securely stored.

### **2.6.2 Authentication**

The eRecording system will be designed to control interactive access to the eRecording system through user authentication processes that:

- A. Utilize a process of requesting, granting, administering and terminating accounts (collectively referred to as account management).

- B. Address the purpose, scope, roles and responsibilities, and requirements for the account management process.
- C. Designate one or more individuals who are responsible for the development and implementation of the account management practices.
- D. Provide account management procedures, to manage system accounts, including establishing, activating, modifying, reviewing, disabling and removing accounts.
- E. Provide for secure delivery of the filer's initial password(s) and prohibit transmission of Identification and Authentication information (e.g., passwords) without the use of industry accepted encryption standards (see: 2.6.1 "Encryption").

### **2.6.3 Authenticity of the electronically filed document**

The eRecording system will be designed to verify that the document has not been altered during transmission by utilizing protocols that identify the Filer.

### **2.6.4 Private key**

The eRecording systems will be designed to have a key management system in place for the secure administration and distribution of cryptographic keys. All keys shall be generated through an encryption package and securely stored.

The eRecording system will authenticate the filer's private key. The filer will establish internal controls to assure the security of the private key is not compromised and certify compliance as part of the electronic filing Agreement as otherwise provided herein. If the security of the private key is compromised, the filer has the responsibility to promptly notify the information technology contact person as identified by the Electronic Filing Agreement who will discontinue use of the compromised private key. The filer will obtain a replacement private key in order to have

access restored to the eRecording system. The filer will address the breach of internal controls to prevent a similar occurrence in the future. If the compromise of security occurs within the eRecording system, the clerk or vendor, as appropriate, will promptly address the compromise of security and the breach of internal controls to prevent a similar occurrence in the future. For purposes of these Standards, "compromise of security" shall mean when the security of the private key could be used by someone other than the authorized user for the filer or could be used for purposes not permitted by these Standards.

### **2.6.5 Protection of electronic filings**

The eRecording system will be designed to mitigate against system and security failures that:

- Provides for a Risk Analysis (RA) to identify potential threats to the system and the environment in which it operates, to determine the likelihood that threats

will materialize, to identify and evaluate system and environmental vulnerabilities, and to determine the loss impact if one or more vulnerabilities are exploited by a potential threat. The RA will:

- i. Define a formal risk management process for eRecording system, consisting of four distinct formal phases:
    - a. Evaluation phase: Risk assessment of the system and the environment in which it operates.
    - b. Decision phase: Management decision regarding vulnerabilities to mitigate and acceptance of residual risks based on the RA recommendations.
    - c. Implementation phase: Implementation of security controls as recommended by the risk mitigation plan and as approved by management.
    - d. Reassessment phase: Recurring reassessments of the eRecording system's security posture after recommended controls were implemented, in response to newly discovered threats and vulnerabilities, in response to new mandates, and periodically as specified in this section of this Standard.
  - ii. Provide for an independent evaluator to conduct a formal risk assessment on the eRecording system and the environment in which it operates once every three years.
  - iii. Provide for an independent evaluation before the end of the three year cycle, if the clerk's office determines that the eRecording system or the environment has undergone a significant change that may affect the system's security posture.
  - iv. Require the clerk's office to conduct an annual a self-assessment to ensure the eRecording system's security posture has not deteriorated.
  - v. Require the clerk's office to conduct a risk assessment that produces a "risk assessment report" to the clerk.
- Provides requirements to insure consistent governance and oversight of the entire contingency planning process that:
    - i. Enables the clerk's office to recover critical information technology resources should a contingency occur.
    - ii. Designate an employee as the "Contingency Planning Manager" to serve as the focal point developing a contingency plan which includes business impact analysis, business continuity, and disaster recovery planning activities, and who will be responsible for developing, implementing, testing, training and periodically updating the clerk's office contingency plans.

## **2.6.6 Compliance with the Library of Virginia Standards for Archival of Documents**

The electronic documents filed utilizing the eRecording system and maintained by the clerk, shall be in accordance with the archival standards as recommended by The Library of Virginia pursuant to Virginia Code [§ 17.1-240](#).

## **2.7 Electronic Recording and Transmission Process Requirements**

### **2.7.1** The eRecording System shall provide a mechanism to ensure:

Acceptance of electronic file submissions and system availability

The clerk or its service provider will advise its subscribers to the eRecording system the hours during which electronic documents may be submitted for recordation among the land records and will make every effort to notify its subscribers as to times when the eRecording system is not available due to normal repair, maintenance, malfunction or other reasons.

### **2.7.2 Notification of receipt of electronic documents**

Upon the submission of an electronic document, the clerk will provide an electronic or other written notification to the filer indicating that the electronic document has been received by the clerk, but not recorded. The electronic or other written notification will include the date and time of the receipt of the electronic document. The eRecording system may generate an automated electronic notification which complies with this requirement.

### **2.7.3 Time of recording of electronic documents**

Electronic documents received by the clerk are deemed "recorded" as of the date and time stated on the electronically recorded document. The clerk will provide an electronic or other written notification to the filer when an electronic document has been recorded.

### **2.7.4 Quality**

The eRecording system will seek to achieve the same or greater level of quality assurance while creating efficiencies in the use of technology over the current paper system.

### **2.7.5 Criteria for rejection**

Electronic documents submitted for recordation through the eRecording System will be rejected if they fail to meet the: (i) image or file format specifications; (ii) security requirements of the eRecording System; (iii) the requirements otherwise provided in the Code of Virginia, or (iv) the standards established by the clerk's office for electronic document or submissions which contain an electronic virus.

### **2.7.6 Notification of rejection**

If an electronic document is rejected, an electronic or other written notification of rejection will be provided to the filer.

### **2.7.7 Secure remote access and public access**

Secure remote access to electronic documents recorded through the eRecording

System is provided in accordance with [17.1-279](#) of the *Code of Virginia* as well as the *Security Standard for the Restricted Remote Access to Documents on Court-Controlled Websites* (SEC503). In addition, public access to electronic and paper records are required by statute to be available in the clerk's office as public records.

### **2.7.8 Service help**

The eRecording System will provide the filer with instructions for electronically submitting an electronic document, and contact information for assistance including the person to contact for information technology assistance (the "Information Technology Contact Person") and the person to contact for administrative assistance (the "Administrative Contact Person") in the Clerk's Office.

### **2.7.9 Payment of filing fees**

The eRecording System will accommodate payment of recordation taxes, recording fees or clerks' fees assessed by the Code of Virginia for recordation of electronic documents. The clerk or its service provider will provide an electronic or other written receipt to the filer indicating that the payment for the recordation of the electronic document has been received and processed by the clerk. The eRecording System may generate an automated electronic report which complies with this requirement

Methods for payment of recordation taxes, recording fees or clerks' fees assessed by the *Code of Virginia* may be by any commercially acceptable means pursuant to [§2.2-614.1](#) of the Code of Virginia. The clerk will provide filers with a list of payment methods which may be used for the recordation of electronic documents among the land records. These methods may include, but are not limited to:

- i. Prepaid account (without commingling escrow funds);
- ii. Electronic funds transfer (EFT);
- iii. Credit cards;
- iv. Debit cards;
- v. Electronic check;
- vi. Check.

Any method of payment not authorized by [§2.2-614.1](#) or any other provision of the Code of Virginia must be approved by the Auditor of Public Accounts. Electronic funds transactions (EFT) shall comply with the provisions of Virginia's Uniform Electronic Transaction Act (UETA) (Va. Code § [59.1-479](#) et seq.).

Where applicable, notices required under this section may be:

- i. Set out in the electronic filing agreement;
- ii. Combined into a single notice; or
- iii. Posted to a portion of the eRecording system where filers can check the status of their filings.

## 2.8 Indexing Requirements

The eRecording System shall have the capacity at a minimum to process documents that are compatible with the indexing requirements. The requirements are currently established by the Property Recording Industry Association (PRIA) for file formatting, PRIA eRecording XML Standard v2.4.1, and they are made a part of the *Virginia Real Property Electronic Recording Standard* by this reference.

A copy of the current *PRIA eRecording XML Standard v2.4.1* may be found on the PRIA Website at: [www.pria.us](http://www.pria.us). If PRIA revises the current version of its XML standard, the revised version will be evaluated for inclusion in a future version of this Standard.

The eRecording System shall otherwise comply with the requirements of the *Code of Virginia*.

## 2.9 Electronic Filing Agreement

Each Circuit Court Clerk shall require any Filers intending to file electronic documents with the clerk's office to complete an electronic filing agreement. An example of an electronic filing agreement is in Appendix A.

At a minimum the electronic filing agreement shall address the following:

### 2.9.1 Documents permitted to be electronically filed

The agreement will specifically identify the types and levels of electronic documents permitted to be electronically filed, which may be amended from time to time by the clerk.

### 2.9.2 Payment of filing fees

The agreement will require payment of recordation taxes, recording fees or clerks' fees assessed by the Code of Virginia and establish the manner and method of such payment, which may be amended from time to time by the clerk.

### 2.9.3 Notarization

The agreement will provide that electronic documents to be recorded among the land records shall comply with the requirements for notarization pursuant to Virginia's Electronic Filing requirements (Va. Code [§17.1-258.2 et seq.](#)), Virginia's Notary Act (Va. Code [§47.1-1 et seq.](#)), Virginia's Uniform Real Property Electronic Recording Act (Va. Code [§55.1-661 et seq.](#)), and Virginia's Uniform Recognition of Acknowledgments Act ([§55.1-616 et seq.](#)).

### 2.9.4 Notification of submission for recordation

The agreement will provide that the clerk will issue an electronic or other written notification including the date and time of the receipt of the electronic document to the filer that the electronic document has been received by the clerk.

### **2.9.5 Notification of rejection**

The agreement will provide that electronic documents submitted for recordation through the eRecording System will be rejected if they fail to:

(i) meet the image or file format specifications; (ii) meet the security requirements of the eRecording System; (iii) comply with the requirements as otherwise provided in the Code of Virginia; (iv) comply with the standards established by the Clerk's office for electronic document or submissions which contain an electronic virus.

### **2.9.6 Indexing requirements**

The agreement will provide that the eRecording System shall have the capacity to process documents that are compatible with the Indexing Requirements established by the Property Recording Industry Association (PRIA) for file formatting.

### **2.9.7 Effective date and duration of agreement**

The agreement will establish an effective date and duration.

### **2.9.8 Filer contact information**

The agreement will require filers intending to record electronic documents provide full contact information of persons to contact including the "Administrative Contact Person" and the "Information Technology Contact Person."

### **2.9.9 Liabilities and responsibilities of the filer**

The agreement will require filers to be responsible for keeping their encryption keys secure (2.6.1. E herein); establishing internal controls to assure that the security of the private key is not compromised; charge them with the responsibility to notify the clerk's office of a compromise; and the responsibility to address any breach of internal controls (2.6.4 herein).

### **2.9.10. Clerk to advise filer of liabilities and responsibilities**

The agreement will require the clerk to advise the filer of the liabilities and responsibilities hereunder.

### **2.9.11 Breach of agreement by filer**

If a filer fails to take immediate corrective and remedial action for any such compromise, the Clerk may revoke the filer's privileges to file electronically.

**Appendix A: Example of an Electronic Filing Agreement****Electronic Filing Agreement**

The agreement is made between [Name] (County) (City) Circuit Court Clerk's Office (hereinafter "Clerk's Office") and \_\_\_\_\_  
(hereinafter "Filer"), having its principal place of business at: \_\_\_\_\_

The parties hereby enter into this Agreement, pursuant to § [17.1-258.2](#) through [17.1.258.5](#) of the *Code of Virginia*, for the purpose of granting Filer the right to electronically record land records documents, with the Clerk's Office and to establish a method of payment for such filings. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **FILING/RECORDING ELECTRONIC DOCUMENTS.** Filer may electronically submit land records documents for recordation using the eRecording System listed in Exhibit A, attached hereto and incorporated by reference herein.
2. **AGREEMENT TO PAY.** Filer agrees to pay recordation taxes, recording fees or clerks' fees assessed by the Code of Virginia in accordance with the procedures set out in Exhibit B.
3. **NOTARIZATION AND ACKNOWLEDGEMENT.** Land records documents in order to be recorded shall comply with the requirements for notarization pursuant to [47.1-1](#) et. Seq. and [§55.1-618](#) of the *Code of Virginia*.
4. **NOTIFICATION OF SUBMISSION OF ELECTRONIC DOCUMENTS FOR RECORDATION.** The Clerk will provide an electronic or other written notification of including the date and time of the receipt of the electronic document to the Filer that the electronic document has been received by the Clerk, but not recorded.
5. **REJECTION OF DOCUMENTS.** Electronic documents submitted for recordation through the eRecording System will be rejected if they fail to meet the image or file format specifications or security requirements of the eRecording System, or for failure to comply with the requirements as otherwise provided in the Code of Virginia. If an electronic document is rejected, an electronic or other written notification of rejection will be provided to the Filer.
6. **TIME OF RECORDATION OF ELECTRONIC DOCUMENTS.** Electronic documents received by the Clerk are deemed filed as of the time the Clerk provides an electronic or other written notification to the Filer that an electronic document has been recorded.



7. APPLICATION OF VIRGINIA LAW. The parties agree that, unless otherwise specified herein, the provisions of Virginia law shall apply including but not limited to the Virginia Uniform Electronic Transactions Act, the Virginia Uniform Real Property Recording Act and the Virginia Mortgage Satisfaction Act.

8. INDEXING REQUIREMENTS. Filer agrees to abide by the Indexing Requirements as published by the Clerk's Office. The current Indexing Requirements are attached hereto as Exhibit C and are incorporated by reference herein. The Indexing Standards are compatible with those established by the Property Industry Association (PRIA) for file formatting. Any changes to the Indexing Standards will be posted on the eRecording System.

9. EFFECTIVE DATE: This Agreement shall be effective upon execution of this Agreement by both parties, as evidenced by the later of the dates reflected below, and shall be effective for an initial term of one year.

10. AUTOMATIC RENEWAL. This Agreement shall automatically renew for a term of one year, unless either party gives a written notice to the other at least sixty (60) days in advance of the end of the initial or renewal term of this Agreement.

11. CONTACTS FOR FILER: Filer shall provide the Clerk's Office with an Administrative Contact (an individual familiar with the process of executing and filing Certificates of Satisfaction) and a Technical Contact (an individual familiar with the Filer's computing environment and capable of resolving any technical issues):

a. Administrative Contact Name: [Click or tap here to enter text.](#)

i. Phone Number:

ii. Fax Number:

iii. Mailing Address:

iv. E-mail Address:

v. Other Contact Number(s):

1.

2.

b. Technical Contact Name: [Click or tap here to enter text.](#)

i. Phone Number:

ii. Fax Number:

iii. Mailing Address:

E-mail Address:

iv. Other Contact Number(s):

1.

2.

WITNESS OUR SIGNATURES:

FILER: \_\_\_\_\_

By: \_\_\_\_\_

Name \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

CLERK OF THE CIRCUIT COURT:

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_