

Utah Recording and Processing Standards	Number:	Processing - 3
	Version:	1
	Effective:	04/28/2023
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1. Title

Name Discrepancies – Trusts: Recording of Documents with discrepancies between property Record Owner and the Grantor, Signature Line, and Notary Acknowledgement/Jurat.

2. Standard Procedure

2.1 All Trustees and the Name of Trust Match Exactly: When a document is presented for recording, the name(s) of the Trustee(s) and the name of the Trust should match exactly:

- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000 (Record Owner)
- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000 (Grantor)
- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000 (Signature Block)
- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000 (Notary Acknowledgment/Jurat)

Additional dates for amendments and/or restatements can be added to the Grantor, Signature Block, and Notary sections. For example:

- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000 (Record Owner)
- Jane Smith, Trustee of the Jane Smith Trust, dated Jan 1, 2000, amended and restated June 10, 2020 (Record Owner, Signature Block, Notary Acknowledgment/Jurat).

When the name(s) of the Trustee(s) and the name of the Trust cannot, or do not, match the Record Owner, the follow standards apply:

2.1.1 Grantor Line:

i. Name of the Trustee(s): If the name(s) of the Trustee(s) do not match the Trustee(s) of record, due to name change or error in a prior document, the correct/current name of the Trustee(s) signing must appear as the Grantor(s) of the document followed by clarifying language. For example, if Jane Smith is signing the document, but the Trustee of record is Jane Johnson, the following is acceptable in the Grantor section:

- “Jane Smith, f.k.a. Jane Johnson, Trustee...”
or
- “Jane Smith, formerly known as Jane Johnson, Trustee...”

If Jane Smith is signing the document, and the Trustee of record erroneously shows as Jan Smith, the following is acceptable in the Grantor section:

- “Jane Smith, who acquired title as Jan Smith, Trustee...”,
or
- “Jane Smith, who erroneously acquired title as Jan Smith, Trustee...”

ii. Name of the Trust: If the name of the Trust does not match the Trust of record, due to any change in the Trust Agreement or error in a prior document, the correct/current name of the Trust must appear as the Grantor(s) of the document followed by clarifying language. For example, if the name of the Trust is the Jane Smith Trust, dated Jan 1, 2000, but the Trust of record is Jane Smith

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Family Trust, dated Jan 1, 2000, the following is acceptable in the Grantor section: “Jane Smith Family Trust, that acquired title as the Jane Smith Trust, dated Jan 1, 2000”

iii. Missing Date of Trust: If the Trust of record is missing the date of trust, and if the conveying document of record was recorded prior to May 11, 2010, the date of the Trust, and the date of the amendments and/or restatements shall be added to Grantor, Signature Blocks, and Notary Acknowledgment sections of the document (UCA 75-7-814(3)).

If the Trust of record is missing the date of trust, and if the conveying document of record was recorded after May 11, 2010, the conveying document shall be rejected. The record owner should remain in the name of the Grantor.

2.1.2 Signature Block: The name(s) of the Trustee(s) signing the document shall be typed or printed just beneath the signature on each document (UCA 17-21-25) and must match the Trustee(s) name(s) in the Grantor section. In the event the Grantor section contains “formerly known as”, “also known as”, or corrective language, the typed or printed name(s) beneath the signature must match the correct/current name(s) of the Trustee(s) as show in the Grantor section.

For example, if the Grantor line reads “Jane Smith, f.k.a. Jane Johnson, Trustee...”, the name typed or printed only needs to show “Jane Smith, Trustee”. The “f.k.a.”, or “formerly known as” language is not needed. If the Grantor line reads “Jane Smith, who acquired title as Jan Smith, Trustee...”, the name typed or printed only needs to show “Jane Smith, Trustee”. The “who acquired title as” language is not needed.

The party(ies) executing the document do not need to sign exactly how the printed/typed name(s) appear.

2.1.3 Notary Acknowledgement/Jurat: The name of party(ies) signing the document must be typed/printed in the Notary Acknowledgement/Jurat section. The typed/printed name(s) should be the same names as the Record Owner(s), the Grantor(s), and the printed name(s) in the Signature Block. However, the typed/printed name(s) in the Notary Acknowledgement/Jurat section do not need to be the same as the Record Owner(s), Grantor(s), and printed/typed name(s) in the Signature Block. Notary Publics will often type/print the name(s) of the person(s) signing before them exactly as their names appear on their government issued ID’s. For example, the following formats are acceptable:

- Jane Smith, Trustee... (Record Owner)
- Jane Smith, Trustee... (Grantor)
- Jane Smith, Trustee... (Signature Block)
- Jane Smith (Notary Acknowledgment/Jurat)
- or
- Jane Smith, Trustee... (Record Owner)
- Jane Smith, Trustee... (Grantor)
- Jane Smith, Trustee... (Signature Block)
- Jane Smith, a.k.a Jane Doe Smith (Notary Acknowledgment/Jurat)

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3. Approvals

Group	Approval	Date
Utah Association of County Recorders	100%	04/28/2023
Utah Land Title Association Board	100%	05/08/2023

4. References

4.1 Specific Powers of Trustee(s): UCA 75-7-814(3) The trustee may exercise the powers set forth in this section and in the trust either in the name of the trust or in the name of the trustee as trustee, specifically including the right to take title, to encumber or convey assets, including real property, in the name of the trust. This Subsection (3) applies to a trustee's exercise of trust powers. After May 11, 2010, for recording purposes, the name of the trustee, the address of the trustee, and the name and date of the trust, shall be included on all recorded documents affecting real property to which the trust is a party in interest.

4.2 Names of Persons Signing to be Typed or Printed on Instruments

Presented for Recording: UCA 17-21-25(1)(a) Each instrument presented to the county recorder for recording shall have typed or printed on it the name of each person whose signature appears on the instrument whose name is required to be indexed. (b) The person's typed or printed name shall appear just beneath that person's signature. (2) The requirements of Subsection (1) do not affect the legality of the instrument to be recorded.

4.3 Utah Lieutenant Governor's Office Instructions to Utah Notaries: What to do if the signer's name on the document doesn't match the name on the ID?

- The signer can ask the agency issuing or receiving the document if it's OK to sign using an "also known as" or "AKA" signature.
- "(Name appearing on the ID), also known as (name appearing on the document)"
- "(Name appearing on the ID), AKA (name appearing on the document)"

4.4 Common Notarial Act – Acknowledgment:

- Ensures that a signer is who they say they are and are voluntarily signing the document.
- Common with documents concerning valuable assets (deeds, mortgages, trusts, etc.).
- Signer may sign document in front of notary, but this is not required.

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Acknowledgment

State of Utah)

§
County of _____)

On this _____ day of _____, in the year 20____, before me, _____ a notary
date month year notary public name

public, personally appeared _____, proved on the basis of satisfactory
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged

(he/she/they) executed the same.

Witness my hand and official seal.

(notary signature)

(seal)

4.5 Common Notarial Act – Jurat:

- Used for a signer to swear that the contents of a document are true.
- Most often performed on affidavits or depositions to be used in court.
- Signer must sign the document in front of the notary and take an oath or affirmation.

Jurat

State of Utah)

§
County of _____)

Subscribed and sworn to before me on this _____ of _____, in the year 20____, by
date month year

name of document signer

Witness my hand and official seal.

(notary signature)

(seal)