

**DEKALB COUNTY COMMISSIONERS
ORDINANCE NUMBER 2025-O-2
DeKalb County Code: 4-7-5-2**

**ORDINANCE OF THE
DEKALB COUNTY BOARD OF COMMISSIONERS
REVISING FEE FOR THE RECORDER SUPPLYING
BULK FORM COPIES TO BULK USERS**

WHEREAS, the DeKalb County Commissioners approved Ordinance Number 2017-R-14; DeKalb County Code 4-7-5-1 on the 26th day of June, 2017, but effective on July 1, 2017; and

WHEREAS, the 2017 Ordinance was enacted pursuant to I.C. 36-2-7-10.1 dealing with the County Recorder's sale of documents in bulk to bulk users, and the permissible fees the Recorder may charge for doing the same; and

WHEREAS, the DeKalb County Commissioners approved Ordinance Number 2021-R-9; DeKalb County Code 4-7-5-2 on the 29th day of March, 2021, to revise the fee for the bulk copies, effective upon signing; and

WHEREAS, the Recorder's Office was able to fulfill the requests of bulk users with a fee of \$0.10 per image, which is retained by the Recorder's Office; and

WHEREAS, the Recorder's Office utilizes a company called Fidlar to supply the technology to perform e-record services, indexing old documents into the system and offers two (2) different forms of researching tools known as Laredo, Tapestry, and Monarch; and

WHEREAS, Laredo is done by subscription that allows a subscriber to pay a monthly fee to search records, but Tapestry is for the occasional searcher that charges a fee for each search or permits a company or a person to obtain bulk images of all recordings directly for a per image fee of \$0.10 per image; and

WHEREAS, Fidlar charges \$0.04 per image, and in order to continue receiving at least \$0.10 per image, the County must amend the Ordinance to charge per image for the Bulk User Agreement a total of \$0.15 per image to pay the Monarch fee of \$0.04 per image.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND THE PROVISIONS HEREAFTER MADE, BE IT ORDAINED BY THE DEKALB COUNTY COMMISSIONERS AS FOLLOWS:

Section I. Definitions. The following definitions shall apply throughout this Ordinance:

(a) *"Bulk form copy"* means an aggregation of:



- (1) copies of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
 - (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
 - (3) both clauses (1) and (2).
- (b) *“Bulk user”* means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that receives bulk form copies under a contract with the county recorder.
- (c) *“Copy”* means a reproduction, including an image of a recorder document or indices created by:
- (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
 - (2) reproducing on microfilm.
- (d) *“Indices”* means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.
- (e) *“Recorded document”* means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder or the county recorder’s designee.

Section II. Manner and Form of Production. It is hereby established that the DeKalb County Recorder shall provide bulk form copies to a bulk user only by electronically transmitting the copies through the Monarch program.

Section III. Procedure for Requesting Bulk Form Copies. A bulk user must submit a written request to the County Recorder that identifies the requested bulk form copies with reasonable particularity. Unless the request is refused under Section VI, upon receipt of a valid written request the County Recorder or the County Recorder’s designee shall provide the bulk form copies to the bulk user by the method or methods established by Ordinance. The bulk form copies shall be provided within a reasonable time after the later of the following events:

- (1) The Recorder’s archival process is completed and bulk form copies become available in the County Recorder’s Office.
- (2) The bulk form user executes a contract that meets the requirements of Section V with:
 - (A) the County Recorder; and

(B) if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee.

The County Recorder or the County Recorder's designee shall work with reasonable diligence to ensure that bulk form copies are timely produced to the bulk user.

Section IV. Fees Charged for Bulk Form Copies.

- (a) This Board finds and determines that the costs incurred by the DeKalb County Recorder of producing bulk form copies (including applying a watermark or other protective feature) maybe included in the standard fee of fifteen cents (\$0.15) per page or per recorded document fixed by subsection (d) of IC 36-2-7-10.1, and the fee hereafter fixed. Accordingly, the following fee schedule is hereby adopted:
 - (1) Fifteen cents (\$0.15) per page for a copy of a recorded document, including the instrument's book and page, if applicable.
 - (2) Fifteen cents (\$0.15) per recorded document for a copy of the indices used by the County Recorder for finding, retrieving, and viewing a recorded document.
- (b) The fees charged by the County Recorder are subject to the following requirements:
 - (1) The County Recorder shall pay the fees into the County Treasury at the end of each calendar month.
 - (2) The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the County Recorder to bulk users.
 - (3) All revenue generated by the County Recorder under this section shall be deposited in the County Recorder's records perpetuation fund and used by the Recorder in accordance with IC 36-2-7-10(f).
 - (4) The Recorder shall periodically update and verify the cost study referred to in subsection (a) immediately above.

Section V. Bulk User Contract—Termination.

- (a) A bulk user must enter into a contract with the County Recorder and if the County Recorder uses a third party to provide bulk copy services, the County Recorder's designee, in order to receive bulk form copies. The contract must be in writing and must require that the bulk user agree not to do any of the following:

- (1) Except as provided in Section VI, provide, transfer, or allow the transfer of any copy of a recorded document obtained by the bulk user under this section to a third party.
- (2) Engage in unauthorized access to recorded documents.
- (3) Engage in unauthorized alteration of recorded documents.

A contract required under this subsection may not include any restrictions on a bulk form user's use of the bulk form copies other than those contained in this section.

- (b) If a bulk user does not comply with a contract, the County Recorder may terminate the contract, immediately stop providing bulk form copies to the bulk user, and refuse to provide the bulk form copies required by the bulk user if all termination provisions and procedures in the contract have been met by the County Recorder. The County Recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:
 - (1) The bulk user is a person that has had a previous bulk form copy contract terminated by the County Recorder because the Recorder determined that the bulk user failed to comply with the contract.
 - (2) The bulk user is a corporation or limited liability company in which a person has a majority or controlling interest and:
 - (A) the person requested bulk form copies under a previous contract with the County Recorder; and
 - (B) the contract was terminated by the County Recorder because the County Recorder determined that the person failed to comply with the contract.

Section VI. Resale of Bulk Form Copies by Bulk User.

- (a) A bulk user that is licensed under IC 27-1-15.6-6(d) or holds a certificate of authority under IC 27-7-3-6 may provide bulk form copies related to the specific order for a title search (as defined in IC 27-7-3-2) when operating as:
 - (1) a title plant for the issuance of title insurance (as defined in IC 27-7-3-2); or
 - (2) title company (as defined in IC 27-7-3-2).

A bulk user that meets the requirements of this subsection may charge its customers a fee for using the bulk form copies obtained by the bulk user that may not exceed the costs incurred by the bulk user for obtaining the bulk form copies. A bulk user that meets the requirements of this subsection may not resell, provide, transfer, or

allow the transfer of any copy of a recorded document, whether in bulk form or as individual copies or images, to any other bulk user or title plant.

- (b) A bulk user that does not meet the requirements of subsection (a) immediately above is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, provide, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

Section VII. Replacement of Ordinance 2017-R-14, DeKalb County Code 4-7-5-1.

This Ordinance replaces in its entirety and effectively revokes Ordinance 2017-R-14, DeKalb County Code 4-7-5-1 in order to institute the revised fee.

Section VIII. Replacement of Ordinance 2021-R-9, and Amendment of DeKalb County Code 4-7-5-2. This Ordinance replaces in its entirety and effectively revokes Ordinance 2021-R-9 and Amends DeKalb County Code 4-7-5-2 in order to institute the revised fee.

Section IX. Effective Date. Upon adoption and signature, this Ordinance shall become effective on the date of its adoption.

READ AND PASSED ON FIRST READING: Monday, April 14, 2025.

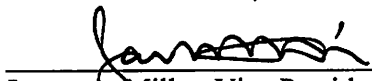
READ AND PASSED ON SECOND READING: Monday, April 14, 2025.

READ AND PASSED ON THIRD READING: Monday, April 14, 2025.

This Ordinance No. 2025-O- 2 amended the DeKalb County Code codified as DeKalb County Code Section 4-7-5-2 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

DEKALB COUNTY COMMISSIONERS:


William L. Hartman, President


James A. Miller, Vice President


Kellen R. Dooley, Vice President

ATTEST:

By: 
Susan Sleeper, Auditor