

Electronic Recording OPERATING PROCEDURES



KERN COUNTY RECORDER'S OFFICE
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1.0—WELCOME

Welcome from Jon Lifquist

Welcome to the County Recorder's Office organization. We would like to thank you for the opportunity of working with you during this very exciting time of implementing our Electronic Recording Delivery System.

Electronic recording is the electronic submission of official documents for recording from an outside source to the Recorder's Office. Electronic recording is a logical progression in our ongoing effort to provide the best service possible in the Recorder's office. We continually seek ways to make our processes faster, more accurate, and more valuable to our customers, and we see electronic recording as an important step in that direction.

We are also committed to cutting costs whenever possible without sacrificing service, and we are very aware that cost-cutting must be mutually beneficial with our customers. We want to find ways to reduce our costs that are also valuable to those with whom we do business.

We are confident that, as we implement electronic submission of documents for recording, both the County Recorder and the Submitters who take advantage of this enhanced service will experience both improved performance and reduced cost in carrying out our document recording duties.

We hope this manual will simplify the process of learning to submit official documents for electronic recording, and will also be a good reference for day to day issues that may arise.

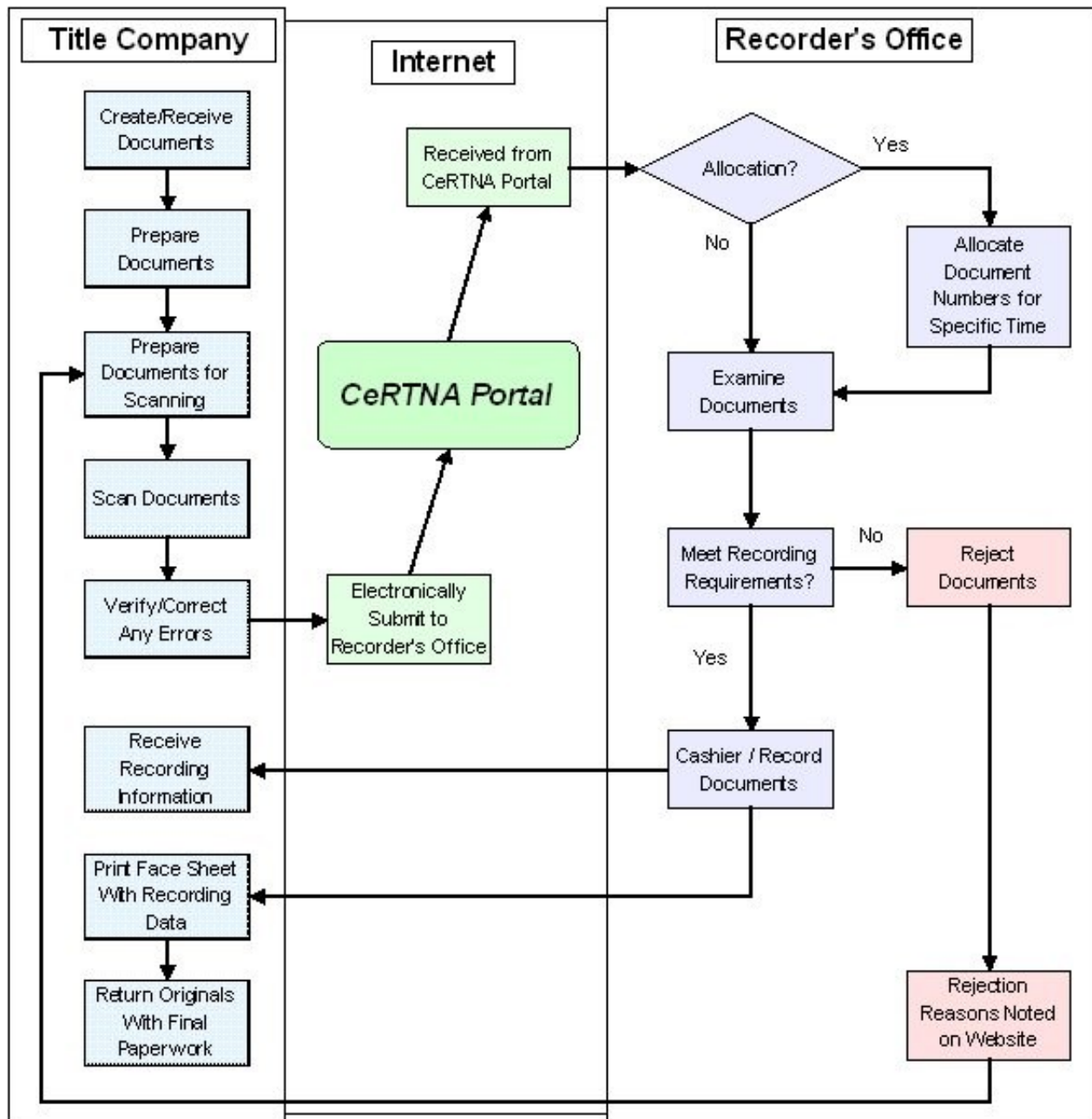
If you have any questions about our Electronic Recording Services or questions or issues that this manual does not cover, or a suggestion that would improve the efficiency of this manual, please contact Brian Pace, Assistant Recorder, at (661) 868-6411, or Jason Lee, Recording Supervisor, at (661) 868-8374.

Jon Lifquist
Assessor—Recorder

2.0—OVERVIEW OF ELECTRONIC RECORDING

Electronic Recording (ER) is a process that provides the capability of submitting documents electronically from the Submitting Organization to the Kern County Recorder's Office.

2.1—ELECTRONIC RECORDING FLOWCHART



2.2—THE ELECTRONIC RECORDING PROCESS

2.2.1—The Process for Electronic Recording is simple. Once the documents are ready to be recorded, the Submitting Organization:

- Prepares the documents for scanning,
- Scans the documents and enters minimal information,
- Verifies/corrects any scanning errors, and
- Submits the documents to the Recorder's Office electronically.

The original documents never leave the Submitter's office.

2.2.2—At the Recorder's Office: The Recorder:

- Allocates document numbers, if the Submitter has chosen to record at 8:00 am, or other times, otherwise document numbers are assigned as live sets,
- Examines the documents for recording requirements,
 - Documents which meet the recording requirements:
 - Enter the cashiering information, and
 - Record the documents
 - Documents which do NOT meet the recording requirements:
 - Reject the document and note the reject reason(s) online
- Recording information is immediately available on the CeRTNA Website for all authorized Submitter employees to access.

2.2.3—At the Submitter's Office, after the documents have been recorded or rejected:

- If the documents met the recording requirements:
 - The first page of each document (face sheet) with the recording information is ready to be printed in the Submitter's office
 - The face sheet is attached to the original document and is mailed to the person named on the document.
- If the documents were rejected:
 - The reason for rejection is noted for all rejections so that the problem/deficiency can be corrected.

- After the problem/deficiency is corrected, the document is resubmitted. As the Submitter has the original document, the turn-around for this re-submission can be very quick.
- Upon recording, information (document number, time recorded, fees, etc.) is immediately posted on the website for access by all authorized Submitter employees.

3.0—BENEFITS

The benefits of using this process can be significant:

- The documents never leave your office; they are always under your complete control. This lessens the possibility of lost or misplaced documents.
- You are immediately notified of recorded or rejected documents, allowing productivity in your office to improve by giving you the capability to immediately react to the situation. No more waiting for documents to go back and forth between your office and the Recorder's Office.
- You have the ability to monitor and track all documents through the process of recording. This tracking gives you up-to-the-minute information regarding the time the submission was received by the Recorder's Office, the time it was recorded, the fees involved, and notification of and reason for a rejected document.
- Rejected documents can immediately be corrected and re-submitted. There is no waiting for the paper documents to be returned to your office before they can be re-submitted.
- The documents can be submitted throughout the day as a part of your office's normal business practice.
- With each batch submitted, your office has the choice of submitting documents for an 8:00 AM recording, or of submitting documents for recording throughout the day.
- The recording process, from beginning to end, operates much faster for both offices.
- There is no need to transport, sometimes from long distances, documents from your office to the Recorder's Office.
- The recording costs can actually be less:
 - Prior to submission, you can eliminate pages scanned in error. For example, stamps on some documents "bleed through" to the other side of the paper. The scanner senses there is something on the page, and so creates an image. These can be deleted in your office prior to there being a recording charge. "DO NOT RECORD" pages may be removed if the Submitter wishes, thereby eliminated a recording charge for those pages.
 - Issues are addressed at the "front" of the process, rather than at the "back end", after Recording fees have been assessed.
 - As rejections can be easily tracked and evaluated, your office may find ways to lessen the number of rejections. For example, if your office has a

high number of rejections due to illegible notary seals, you may decide to implement new internal procedures to correct this.

- Document transportation costs and time involved are lessened and/or eliminated.

Live recordings are available in Electronic Recording only.

Live recording hours are from 8:00 am to 3:00 pm daily.

There is no need for “fillers” for any rejected document in Electronic Recording. The Recorder will automatically provide a filler page for you at no cost.

4.0—ROLES AND RESPONSIBILITIES

Both the Kern County Recorder's office and the Submitter play a vital and active role in the success of this electronic recording system. It is essential that the procedure for electronic recording is consistent with all applicable laws, regulations, standards, and procedures used in the conventional method of recording. Failure to comply may result in the revoking of the privilege of using electronic recording.

4.1—SUBMITTER

The Submitter will:

- Ensure only original documents are scanned and submitted. These documents must bear original signatures and notary seals, except as provided by law.
- Ensure the integrity of all notary acknowledgments. Acknowledgments must have original signatures and seals and must not be cut and pasted onto the document.
- Safeguard the integrity and security of the electronic recording operational system by preventing fraud and deceit in recording.
- Ensure that all users of the system have been authorized to do so by the County Recorder's Office and that user access will be modified only by the Recorder's Office.
- Verify that no unauthorized users be permitted to access or use the system at any time.
- Appoint a Security Liaison who is authorized to request changes to add/delete user access to the system.
- Immediately notify the County Recorder's Office when an individual that has access to the system is no longer employed by your office or is no longer authorized to use the system so that the Recorder's Office can remove that person's access rights.
- Establish and enforce procedures to safeguard user ID's and passwords. This should include periodically changing passwords.
- Notify the County Recorder's Office within one (1) working day, in writing and by telephone of any problems or potential problems that could affect the quality of the work, services, or performance levels.
- Perform the functions of document scanning preparation, scanning, and entering data for transmitting the documents.

- Perform the functions of online viewing of recording information, and distributing document face sheets.
- Return recorded original documents to applicable parties with a copy of the first recorded page affixed thereto as a new cover page.
- Verify staff has the required basic skills prior to training. These skills include:
 - Basic Windows PC skills, including the operation of a mouse.
 - Ability to operate a web browser; in particular: Internet Explorer.
- Provide first level technical support for Submitter's staff on hardware, software, and use of the system.
- Provide technicians to work with the County Recorder's Office technicians when setting up the system.
- Provide up-to-date anti-virus protection on all PC's connected to the electronic recording system.
- Support and maintain the hardware and software, including up-to-date patches.
- Promptly install/apply enhancements/changes to all necessary PC's upon instruction from the Recorder's Office.
- Provide physical access of the electronic recording equipment to the Recorder's Office upon request.
- Provide Internet access for the stations using this system.
- Ensure that only those software applications which are pre-approved by the Recorder are installed on the scanning workstation.
- Ensure that all software applications are updated and that any conflicts with software/hardware are resolved.

4.2—RECORDER'S OFFICE

The Recorder's Office will:

- Examine and record electronic documents under the same criteria, statute, and law as that of paper submission.
- Provide timely confirmation of recordings, rejections, and fees.
- Provide documentation of the use of the system.
- Provide training pertaining to the electronic recording procedures to the Submitter's staff, as requested from the Submitter.
 - **Note:** Basic PC, Windows, Mouse, Internet, and office procedure training is the responsibility of the Submitter.

- Set up ER system security for authorized and trained Submitter staff.
- Delete security authorization for individuals who leave the office of the Submitter or who no longer should have access to the system, upon notification from the Submitter.
- Work with the Submitter to develop enhancements to the system.
 - **Note:** All software is provided “as is”. The Recorder’s Office encourages enhancement suggestions from your office, but cannot guarantee the changes will be made.
- Assist Submitter’s technical staff in the development of specifications for the purchase of the electronic recording hardware and software by the Submitter.
- Provide technical assistance when setting up the electronic recording system at the Submitter.
- Provide second-level technical assistance for users of the electronic recording system (first-level technical assistance is provided by the Submitter), as appropriate. (Some advanced support may need to be provided by equipment manufacturers.)
- Retain ownership of the electronic recording software.
- Be responsible for and provide to the Submitter all upgrades, modifications, or enhancements to the electronic recording software.

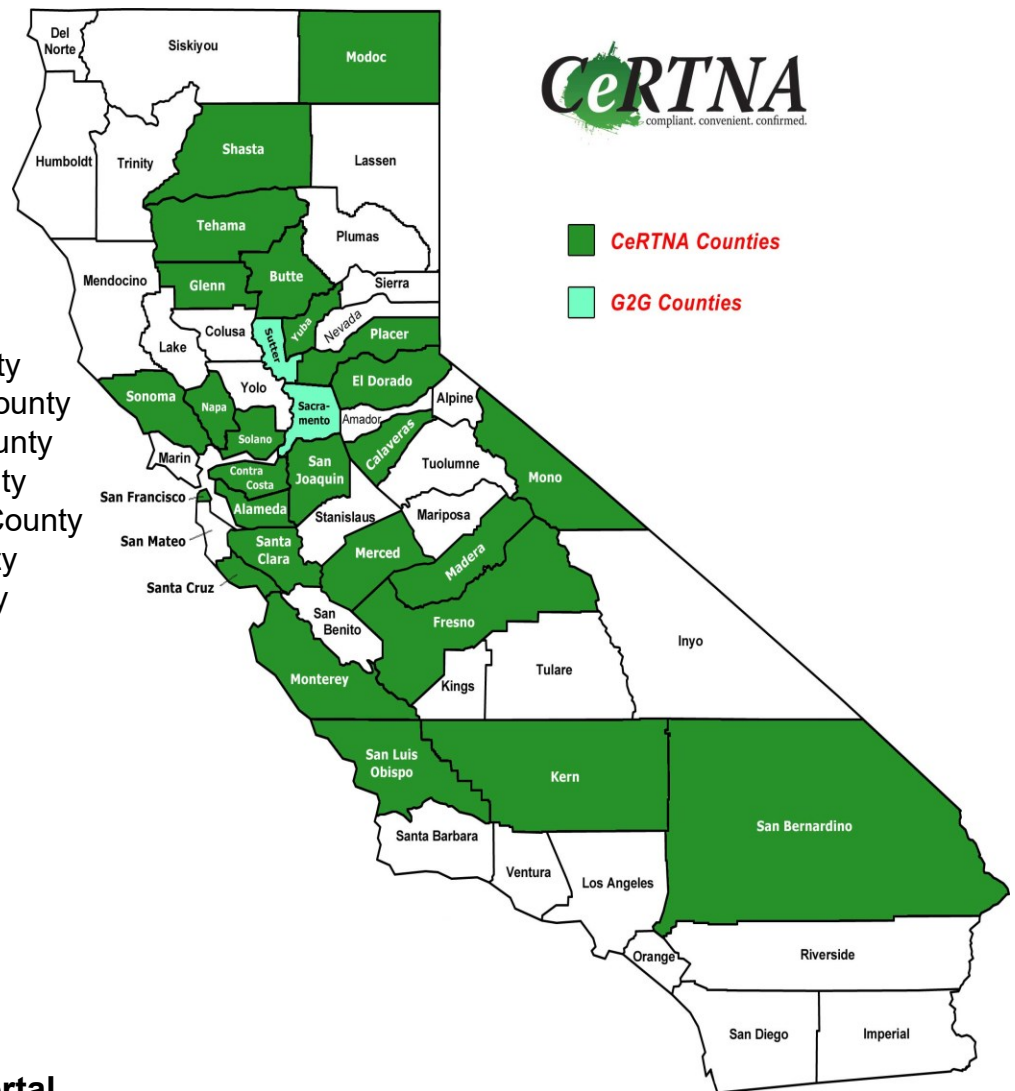
4.3—CeRTNA

The California Electronic Recording Transaction Network Authority (CeRTNA) is the legal entity established to govern the California Electronic Recording Transaction Network. It is established as a Joint Powers Authority, enabling member counties to govern collectively.

4.3.1—CeRTNA Member Counties

As of the time of publishing, CeRTNA ERDS and Government to Government (G2G) counties include the following (in alphabetical order):

- Butte County
- Calaveras County
- Contra Costa County
- El Dorado County
- Fresno County
- Kern County
- Madera County
- Merced County
- Modoc County
- Mono County
- Monterey County
- Napa County
- Placer County
- Sacramento County
- San Bernardino County
- San Francisco County
- San Joaquin County
- San Luis Obispo County
- Santa Clara County
- Santa Cruz County
- Shasta County
- Solano County
- Sonoma County
- Tehama County
- Yuba County



4.3.2—THE CeRTN Portal

- The California Electronic Recording Transaction Network Portal is the Electronic Recording Delivery System built by CeRTNA. The CeRTN Portal is authorized by the Electronic Recording Delivery Act of 2004.

4.4—AGENTS

A representative and his/her employees who are authorized to submit documents on behalf of an Authorized Submitter who has entered into a contract with a County Recorder, and, assigned a role by the County Recorder, to deliver, and, when applicable, return the submitted payloads via an Electronic Recording Delivery System (ERDS). An Agent may not be a Computer Security Auditor, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator, or Vendor of ERDS Software. Both the Agent and the Authorized Submitter must execute an MOU with the County.

5.0—GETTING STARTED

The following is a checklist to outline the steps necessary for preparing and enabling a Submitter to participate in Electronic Recording.

5.1—SUBMITTER PROVISIONING CHECKLIST

MILESTONES:

1. Contact the County Recorder
2. Confirmation for Orientation from the County
3. Receive Electronic packet, MOU, and Declaration from County
4. Return completed and signed MOU and Declaration
5. Receive confirmation of signed MOU by County Recorder
6. Establish ACH with County (if applicable)
7. Select Secure Access individuals
8. Selected individuals complete the following forms:
 - a. Live Scan
 - b. ERDS Form 12 (Acknowledgment of Responsibilities)
9. Selected individuals are Live Scanned at a location chosen by the Submitter. The Recorder can provide you with a list of current Live Scan providers upon request.
10. Return selected individual scanned Live Scan copies and signed ERDS Form 0012 to the County Recorder
11. Selected individuals cleared by ERDS program receive user accounts, passwords, and Security Tokens
12. Receive Technical Contact from County
13. Develop internal policies and procedures
14. Provision equipment per workstation requirements
15. Coordinate equipment testing with County
16. Attend County training
17. Go Live with CeRTNA

6.0—DECLARATION

6.1—INSTRUCTIONS

Complete the Declaration form in Section 15.1 and return it as soon as possible to the Recorder's Office along with your MOU. Note that the complete regulations have been attached for your convenience to the Declaration, but that you only need to return the completed and signed first page with the specific Declaration language. Be certain that you read this Declaration carefully, as you are signing under penalty of perjury that you are an authorized submitter under the Electronic Recording legislation.

7.0—MOU/DECLARATION WITH COUNTY RECORDER

The Memorandum of Understanding (MOU) and Declaration used by the Kern County Recorder will be delivered to the Authorized Submitter.

7.1—INSTRUCTIONS

- The Submitter will complete and sign TWO copies of the Electronic Recording Memorandum of Understanding (MOU), and one original signed copy of the Declaration.
- The MOU should be considered carefully; it outlines the specific requirements expected of the Submitter by the Recorder, as well as the responsibilities of the Recorder.
- The Submitter delivers both of the forms to the Recorder's Office.
- The Recorder signs both of the copies of the MOU.
- One of the originals are kept by the Recorder, and one of the original MOU's is returned to the Submitter.

7.2—WHAT HAPPENS NEXT?

- Shortly thereafter, the Submitter will be contacted by the Recorder's Office personnel to set up the security workstation, accounts, payment methods, training sessions, and begin the electronic recording process.

8.0—FEES & ACCOUNTS

8.1—FEES

The Recorder's Office is committed to ensuring that Electronic Recording has the most beneficial impact on the recording process, as well as the least financial impact on the Submitter. Legislation was enacted years ago to ensure that Electronic Recording would be properly funded; and recording fees were increased by \$1 for this purpose under the Electronic Recording Delivery Act of 2004 (Government Code 27397). **Accordingly, the Recorder's Office is not charging any new fees for Electronic Recording.**

8.2—ACCOUNTS

Under Government Code 27391(b), only Title Insurers (Insurance Code 12340.4), Underwritten Title Companies (Insurance Code 12340.5), Institutional Lenders (Financial Code Section 50003 Subdivision J Paragraphs 1, 2, and 4), or government agencies are eligible for Electronic Recording.

8.3—METHODS OF PAYMENT

- Electronic Payments
 - ACH Payments (See information below)
 - Other electronic payments (County Auditor)
- Traditional Payments
 - Checks

8.4—ACH (Automated Clearing House)

Automated Clearing House (ACH) is an electronic network for financial transactions in the United States. ACH processes large volumes of both credit and debit transactions, which are originated in batches. Rules and regulations governing the ACH network are established by NACHA-The Electronic Payments Association (formerly the National

Automated Clearing House Association) and the Federal Reserve (Fed). In 2002, this network processed an estimated 8.05 billion ACH transactions with a total value of \$21.7 trillion. (Credit card payments are handled by separate networks.)

ACH credit transfers include direct deposit payroll and vendor payments. ACH direct debit transfers include consumer payments on insurance premiums, mortgage loans, and other kinds of bills. Businesses are also increasingly using ACH to collect from customers online, rather than accepting credit or debit cards.

Debit transfers also include new applications such as the Point-of-Purchase (POP) check conversion pilot program sponsored by NACHA. FedACH is the Federal Reserve's centralized application software used to process ACH transactions. Both the government and the commercial sectors use ACH payments. The Electronic Payments Network (EPN) is the only private sector ACH Operator in the United States.

The Federal Reserve Banks are collectively the nation's largest automated

clearinghouse operator and in 2005 processed 60% of commercial interbank ACH transactions. The EPN processed the remaining 40%. EPN and the Reserve Banks rely on each other for the processing of some transactions in which either the Originating Depository Financial Institution (ODFI) or Receiving Depository Financial Institution (RDFI) is not their customer. These interoperator transactions are settled by the Reserve Banks.

8.5—ACH PROCESS

In accordance with the rules and regulations of ACH, no financial institution may simply issue an ACH transaction (whether it be debit or credit) towards an account without prior authorization from the account holder (known as the *Receiver* in ACH terminology).

An ACH entry starts with a *Receiver* authorizing an *Originator* to issue ACH debit or credit to an account. An *Originator* can be a person or a company (such as the gas company, a local cable company, or one's employer). Depending on the ACH transaction, the *Originator* must receive written (ARC, POP, PPD), verbal (TEL), or electronic (WEB) authorization from the *Receiver*. Written authorization constitutes a signed form giving consent on the amount, date, or even frequency of the transaction. Verbal authorization needs to be either audio recorded or the "Originator" must send a receipt of the transaction details before or on the date of the transaction. A WEB authorization must include a customer reading the terms of the agreement and typing or selecting some form of an "I agree" statement.

Once authorization is acquired, the *Originator* then creates an ACH entry to be given to an *Originating Depository Financial Institution* (ODFI), which can be any financial institution that does ACH origination. This ACH entry is then sent to an *ACH Operator*

(usually the Fed) and is passed on to the *Receiving Depository Financial Institution* (RDFI), where the *Receiver's* account is issued either a credit or debit, depending on the ACH transaction.

The RDFI may, however, reject the ACH transaction and return it to the ODFI if, for example, the account had insufficient funds or the account holder indicated that the transaction was unauthorized. An RDFI has a prescribed amount of time in which to perform returns, ranging from 2 to 60 days from the receipt of the ACH transaction. However, the majority of returned transactions are completed within 24 hours from midnight of the day the RDFI receives the transaction.

An ODFI receiving a return of an ACH entry may re-present the ACH entry two more times (three attempts is the maximum allowed) for settlement. Again, the RDFI may reject the transaction. After which, the ODFI may no longer represent the transaction via ACH.

8.6—PAYING BY WIRE OR ACH ACCOUNT IN KERN COUNTY:

Paying by wire or ACH Account in Kern County could not be easier! Simply wire or ACH the funds to the Kern County Recorder through the County Treasurer at:

Wells Fargo Bank

ABA: #121 000 248
Account number: 4159288133
Name of Account Holder: KERN COUNTY TREASURER

Bank Address: Wells Fargo Bank, 420 Montgomery St.,
San Francisco, CA 94101-1298

In order for the Treasurer to identify that the money is for the Recorder, title companies *must* include a reference in the wire instruction, such as: KERN COUNTY RECORDER.

ACH Payments for any given business day's transactions must be received by the county within 48 hours.

9.0—EMPLOYEE SELECTION GUIDELINES

9.1—INTRODUCTION

- Basic computer skills
- Operation of a Mouse
- Operation of a Web Browsers (Internet Explorer)
- Pass the Background Check (See Table of Disqualifying Offenses below)

9.2—TABLE OF DISQUALIFYING OFFENSES

9.2.1—Text of the Law

Title 11, Division 1, Chapter 18, Article 4, Section 999.121:

“If the state or federal criminal records contain a conviction of a felony, or a misdemeanor related to theft, fraud, or a crime of moral turpitude, or a pending criminal charge for any of these crimes shall be justification for denial to an individual to serve in an ERDS role that requires fingerprinting. A plea of guilty or no contest, a verdict resulting in conviction, or the forfeiture of bail, shall be a conviction pursuant to Government Code section, 27395(a), irrespective of a subsequent order under section 1203.4 of the Penal Code. All other state or federal criminal records containing a felony or misdemeanor conviction involving dishonesty, fraud or deceit, ‘moral turpitude’ [People v. Castro (1985) 38 Cal. 3d 301], including pending charges, shall be justification for denial to an individual to serve in an ERDS role that requires fingerprinting.”

9.2.2—Felony Conviction/Pending Charges

A felony conviction or pending charges involving the following offenses shall be justification for denial:

• Homicide	• Forgery
• Robbery	• Arson
• Assault	• Drugs (Sale of)
• Kidnapping	• Sex
• Burglary	• Driving under the Influence
• Theft	• Hit and Run
• Motor Vehicle Theft	• Weapons
• Escape	• Bookmaking
• Identity Theft	• Unauthorized Access to Computers

9.2.3—Misdemeanor Conviction/Pending Charges

A misdemeanor conviction or pending charges involving the following offenses shall be justification for denial:

• Misdemeanor manslaughter	• Liquor Laws
• Assault and Battery	• Disturbing the Peace
• Theft	• Malicious Mischief
• Drugs (Sale of)	• Driving under the Influence
• Sex	• Gambling
• Checks and Access Cards	• Trespassing
• Vandalism	• Contributing to the delinquency of a minor
• Identity Theft	• Unauthorized Access to Computers

9.3—LIVE SCAN INSTRUCTIONS

9.3.1—Fingerprint Process

All individuals in a secure access role, as defined in the CCR, Title 11, Division 1, Chapter 18, Article 4, section 999.121, shall submit fingerprint images to the Department of Justice for a state and federal criminal record check. All individuals designated a secure access role require fingerprint submission and clearance from the ERDS Program prior to serving in the role. (Refer to the CCR, Title 11, Division 1, Chapter 18, Article 4, section 999.122.)

The Submitter will use one of the following forms to submit fingerprints to the Department of Justice for Secure Access clearance:

- The Request for Live Scan Service form (BCII 8016ERDS) is used for electronic submission and is included in this manual.
- The FD 258 fingerprint card is used for manual submission and can be obtained at the fingerprinting agency. The Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004) is also required for manual submission.

The following information will assist in fingerprint submission:

(A) Methods of Fingerprint Submission

(1) Live Scan Service (Electronic Submission)

All fingerprint submissions shall be transmitted electronically, via a Live Scan device, by a law enforcement agency and/or a certified public applicant agency

providing such service. To locate a Live Scan service site and information about their services, access the Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/publications/contact.php>.

- (a) At the time of fingerprinting, the individual shall provide the Live Scan operator with the following:
 - (1) A completed Request for Live Scan Service form (BCII 8016ERDS) http://ag.ca.gov/fingerprints/pdf/request_LSS.pdf ;
 - (2) The Live Scan fingerprint rolling fee. (Refer to Applicant Fingerprint Submission web page at http://ag.ca.gov/fingerprints/finger_cert.php and
 - (3) The state and federal fingerprint processing fees. For nearest location and fees, consult <http://www.ag.ca.gov/fingerprints/publications/contact.htm>.

- (b) Upon completion of fingerprinting, the individual shall:
 - (1) Obtain the applicant copy and the contributing agency copy of the Request for Live Scan Service form (BCII 8016ERDS) from the Live Scan operator, to be used as proof of fingerprint submission;
 - (2) Provide the County Recorder or Authorized Submitter with the contributing agency copy of the Request for the Live Scan Service form (BCII 8016ERDS) as proof of fingerprint submission; and
 - (3) Retain the applicant copy of the Request for Live Scan Service form (BCII 8016ERDS) as proof of fingerprint submission.

If the individual is designated a secure access role in another certified ERDS, the applicant copy of the BCII 8016ERDS form shall be notarized and provided to the other County or Authorized Submitter, which is submitted to the ERDS Program as proof of fingerprint submission for a clearance to serve in a secure access role in another ERDS.

(2) FD 258 Fingerprint Card (Manual Submission)

If a Live Scan site is regionally unavailable, the DOJ has limited statutory authority to issue an exemption from electronic submission. If an

exemption is sought, the individual shall use the FD 258 fingerprint card to have their fingerprints rolled by a law enforcement agency or certified public applicant agency and complete the Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). (Contact the ERDS Program to obtain the FD 258 and BCII 9004 forms.)

To locate fingerprint service sites and information, access the Attorney General website at <http://ag.state.ca.gov> or the Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index.php>.

- (a) At the time of fingerprinting, the individual shall provide the fingerprint roller with the following:
 - (1) A completed FD 258 fingerprint card; and
 - (2) The fingerprint rolling fee. (Refer to Applicant Fingerprint Submission web page at <http://ag.ca.gov/fingerprints/index.php>.)
- (b) Upon completion of fingerprinting, the individual shall provide the County Recorder or Authorized Submitter with the following for submission to the ERDS Program:
 - (1) A FD 258 fingerprint card rolled by a law enforcement agency or certified public applicant agency fingerprint roller. The fingerprint card shall include the fingerprint roller's signature and badge or certification number;
 - (2) A completed Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). The DOJ will evaluate the request and determine whether adequate justification exists to accept the manual submission; and
 - (3) The state and federal fingerprint processing fees in the form of a check or money order made payable to the "California Department of Justice – ERDS Program".

(3) Residing Outside of California

Individuals residing outside of California that cannot have their fingerprints taken in California shall have their fingerprints rolled at a law enforcement agency in their state of residence.

- (a) At the time of fingerprinting, the individual shall provide the fingerprint roller with the following:

- (1) A completed FD 258 fingerprint card; and
 - (2) The fingerprint rolling fee. (Refer to your local law enforcement.)
- (b) Upon completion of fingerprinting, the individual shall provide the County Recorder or Authorized Submitter with the following for submission to the ERDS Program:
- (1) A FD 258 fingerprint card rolled by a law enforcement agency in their state of residence. The fingerprint card shall include the fingerprint roller's signature;
 - (2) A completed Request for Exemption from Mandatory Electronic Fingerprint Submission form (BCII 9004). The DOJ will evaluate the request and determine whether adequate justification exists to accept the manual submission; and
 - (3) The state and federal fingerprint processing fees in the form of a check or money order made payable to the "California Department of Justice – ERDS Program".

(B) Fingerprint Status

Once the fingerprints are submitted, the DOJ processes the prints and notifies the ERDS Program with one of three responses: "No Record" (no criminal record); "Criminal Record" (criminal record present); or "Rejected" (poor quality fingerprints, missing or illegible data).

- (1) "No Record" Response or Criminal Record Response with No Disqualifying Offense(s)

If the individual has no record or a record with no disqualifying offense(s), the individual, their employer, if any, the Computer Security Auditor and County Recorder shall be notified by the ERDS Program, in writing, that the individual is cleared to serve in a secure access role. The ERDS Program shall proceed with processing the application, if applicable. (For a list of disqualifying offenses refer to this manual.)

- (2) "Criminal Record" Response with Disqualifying Offense(s)

If the individual has a criminal record with a disqualifying offense(s), the individual, their employer, if any, the Computer Security Auditor and County Recorder shall be notified by the ERDS Program, in writing, that

the individual is denied a secure access role. The ERDS Program shall proceed with processing the application, if applicable. (For a list of disqualifying offenses refer to this manual.)

If the individual receives a denial, the individual can contact the DOJ to review and refute any erroneous or inaccurate information contained within their state criminal record and the Federal Bureau of Investigation for their federal criminal record. These reviews are outside of the ERDS Program.

An individual requesting to review their state record may contact:

California Department of Justice
California Justice Information Services Division
Bureau of Criminal Identification and Information
Record Information and Services Program
P.O. Box 903417
Sacramento, CA 94203-4170
(916) 227-3849

An individual requesting to review their federal record can obtain information at <http://www.fbi.gov/howto.htm>.

If it is determined through the record review process that an individual's record has been modified to reflect a record with no disqualifying offense(s), the individual may notify the County Recorder or Authorized Submitter. If a County Recorder wants to designate the individual in a secure access role, the individual shall submit fingerprints for a state and federal criminal record check according to the submission methods outlined in this section. Once the fingerprints are submitted, the DOJ processes and notifies the ERDS Program with a state and federal criminal record result.

(3) Rejected Fingerprints

The fingerprint images shall be rejected, if the fingerprints are of poor quality, missing or illegible data, or the signature and certification number of the fingerprint roller are missing from the FD 258 fingerprint card. The ERDS Program shall notify the individual, in writing, of the rejection and provide resubmission instructions. The ERDS Program shall proceed with processing the ERDS application, if applicable.

(C) Subsequent Arrest Notification

When an individual has been subsequently arrested, the DOJ shall notify the ERDS Program. The ERDS Program shall review the offense to determine if it disqualifies the individual from a secure access role.

If the individual has no disqualifying offense(s), the individual shall continue their secure access role and no notification will be sent.

If the individual has a criminal record with a disqualifying offense(s), the ERDS Program shall send a secure access termination letter, within ten business days, to the individual, their employer, if any, the Computer Security Auditor and County Recorder. The individual shall no longer serve in a secure access role. (For a list of disqualifying offenses refer to this manual.)

To refute a disqualifying offense based on a subsequent arrest, the record review process can be pursued. If it is determined through the record review process, outlined in this section, that an individual's record has been modified to reflect a record with no disqualifying offense(s), the individual may notify the County Recorder or Authorized Submitter. If a County Recorder wants to designate the individual in a secure access role, the individual shall submit fingerprints for a state and federal criminal record check according to the submission methods outlined in this section.

(D) Re-fingerprinting of Individuals Changing Roles and/or Agencies

- (1) When an individual who was previously cleared for a secure access role changes roles and/or agencies, changes employment or is designated additional secure access roles within the same agency; or if an employee or agent of an Authorized Submitter submits to one county and will now be submitting to multiple counties, re-fingerprinting is not required.

However, for such an individual the County Recorder shall send proof of fingerprint submission to the ERDS Program as outlined below, and shall complete and submit a Change of ERDS Role (ERDS Form #ERDS 0008).

(2) Proof of Fingerprint Submission

- (a) Electronic Fingerprint Submission - the retained applicant copy of the BCII 8016ERDS from the fingerprint submission, shall be notarized and sent to the ERDS Program as proof of fingerprint submission. If a notarized copy can not be provided, the individual shall submit fingerprint images to the DOJ as outlined in this section.
- (b) Manual fingerprint submission – the individual shall submit fingerprint images to the DOJ as outlined in this section.

9.4—USER MANAGEMENT

9.4.1—Add

- **Scanning/Submitting Personnel**

To add scanning personnel, upon completing and passing the Live Scan/Background Check, the Submitter will complete both an ERDS Form 12 (Acknowledgment of Responsibilities), and a Request for Electronic Recording Staff Change Form, located in Sections 15.2 and 15.5 respectively.

- **Personnel With Access to the CeRTNA Website**

To add personnel with access to the CeRTNA Website, the Submitter will complete a Request for Electronic Recording Staff Change Form, located in Section 15.5, including the name(s) of the personnel to be added.

9.4.2—Delete

To delete any personnel, the Submitter will complete a Request for Electronic Recording Staff Change Form, located in Section 15.5, including the name(s) of the personnel to be deleted.

9.4.3—Change

To change the status of any personnel, the Submitter will complete a Request for Electronic Recording Staff Change Form, located in Section 15.5, including the name(s) of the personnel to be changed.

According to the MOU signed between the Submitter and the County Recorder, it is the responsibility and duty of the Submitter to complete these forms as soon as possible upon any staff changes in order to maintain the highest level of security in the system.

10.0—TECHNICAL REQUIREMENTS

10.1—HARDWARE

Refer to CeRTNA Website for further information regarding hardware requirements and recommendations:

<http://www.certnportal.com/home.html>

10.2—WORKSTATION SECURITY REQUIREMENTS

For all ERDS, the County Recorder/Submitter shall ensure that all endpoints are secure. As such, workstations used to submit, retrieve, or if applicable, return the ERDS payloads must be protected from unauthorized use and access. At a minimum, all workstations shall meet all the following requirements:

1. Anti-malware software configured to start on system boot-up.
2. Operating system software with the most up-to-date patches and hot-fixes.
3. Host-base firewall configured to restrict inbound and outbound connections.

The County Recorder shall include this requirement as a mandatory provision in all contracts with Authorized Submitters. All Submitters shall ensure that an Agent, if any, complies with these requirements. The contents of the contract provision are subject to audits and local inspections.

11.0—DOCUMENT PREPARATION

The preparation of the documents for scanning is an essential, and often, the most time-consuming part of electronic recording. Documents not prepared correctly may require rescanning, additional work, additional fees, and can cause paper jams in the scanner.

11.1—DOCUMENT PREPARATION TIPS

- Verify that each document has original signatures, original notary seals, and an original notary signature as appropriate.
- Carefully remove all paperclips and staples, taking care to not tear or damage the documents.
- Verify dark highlighters, such as blue, green, purple, or red, have not been used on any of the pages. These will not be legible when scanned; the document must be redone.
- Verify any stamps have not “bled through” to the other side of the page. Cover the back of the page with white tape or a white label.
- Repair any damaged or torn corners or edges of the documents with tape, ensuring that the tape does not cover any printed areas of the document. The tape must not extend beyond the edge of the document, as this may cause the paper to jam in the scanner.
- Remove any post-it notes, or “sign-here” tabs.
- Verify document does not contain any social security numbers (prohibited by law).

11.2—SCANNING TIPS

- Place the documents in the scanner’s feeder in the order in which they are to be submitted for recording. Documents may then be saved as files in a pre-assigned folder/destination on the secured workstation for later or immediate submission to the Recorder’s Office.
- The images will appear briefly on the page as they are scanned. Monitor the quality of the images as they appear. Watch for:
 - Poor images
 - Streak lines through the image
 - Skewed images
 - Blurred images

- Bleed throughs (If a stamp has ‘bled through’ to the reverse side of a page, the scanner will sense that there is something on the page and will create an image for it. It may also obscure text on the reverse side.)
- Missing signatures
- Missing seals or markings (Sometimes, some scanners will not recognize certain colors or will not recognize very light information. Contact your technical support if this occurs.)
- When the document has been completely scanned, verify that the page count is correct.

11.3—QUALITY CHECKING SCANNED DOCUMENTS

- **Legibility:** Make certain that EVERY page of the file is clearly legible. Legibility does **not** mean that it can simply be read, but that the image can be reduced to microfilm size and successfully enlarged back to normal size without any loss of content. This includes any and all individual letters and numbers that appear throughout the document, including all information on any map.
- **Direction:** Make certain that all pages are right-side-up in the correct direction.
- **Page Count:** Ensure that every page of the document was scanned, including any reverse side pages (containing vital information, certification seals, etc.).
- **Page Size:** The only two sizes allowed for recording are letter size (8½ in. by 11 in.), or legal size (8½ in. by 14 in.).
- **Margins:** A ½ in. margin is required on EVERY page on ALL four sides of the page.
- **Label Space Reservation:** A 3½ in. tall by 4½ in. wide blank space is required in the upper right-hand side of the first page of EVERY document (as well as the ½ in. side margins). NOTHING can appear in this space or the document will be rejected (parts of notary seals, signatures, etc.). This margin space will not show up on the Recorder’s side.
- **Notary Seals:** Every number/letter in the notary seal must be legible. Be certain that every notary seal is present and legible for recording.
- **Notary Seal Ink:** Only use dark inks for scanning purposes; light inks will not show and may cause the document to be rejected.

- **Embossed Seals:** Very lightly use the side of a pencil tip to shade over the embossed seal to ensure that they scan (at least in part). Otherwise, it may cause the document to be rejected for a missing notary seal.
- **Double-sided Pages:** Make certain that every page is scanned in order for all double-sided page documents. This also applies to court documents (with court seals) and death certificates from other states.
- **Death Certificates:** Because most death certificates are printed on security paper (bank note), special attention must be given to all death certificates (contained in Affidavits of Death, etc.). Be certain that the “void” marks are light and that any shading does not obscure any text to prevent the document from being rendered illegible for recording.
- **Preliminary Change of Ownership Reports (PCOR):** Only the two pages of the PCOR should be scanned and submitted with the document(s).

11.4—MANUAL SUBMISSIONS

Some documents cannot be processed through the scanner. These documents must be submitted in paper form to the Recorder’s Office. Examples of these types of documents are:

- Documents that have tears or holes which cannot be repaired
- Bankruptcy papers (or foreign documents) with brads and ribbons
- Documents with attachments or labels that are taped onto the paper
- Fragile paper documents (old documents), or documents which cannot be put through the scanner
- Documents with very large page counts
- Documents with “fill-ins” (i.e., those which require a courier to insert recording information immediately after recording)

Documents that are larger than 8½” x 14” are NOT acceptable for recording.

Documents larger than 8½” x 14”, even if scanned to 8½” x 11” size, will not convert legibly when going to microfilm and are also not acceptable for recording.

12.0—DOCUMENT SUBMISSION

12.1—*CeRTNA DOCUMENT TYPES*

12.1.1—RECORDABLE DOCUMENTS

- Abstract of Judgment
- Affidavit of Death
- Agreement (any type of agreement document)
- Assignment (all general assignments other than an Asgt. of DOT)
- Assignment of Deed of Trust
- Deeds (any and all types, Grant, Quitclaim, etc.)
- Deed of Trust
- Judgment
- Lien Satisfaction (of any type)
- Modification (of any type)
- Notice (of any type)
- Power of Attorney
- Reconveyance
- Request (of any type)
- Subordination Agreement
- Substitution of Trustee
- Other

12.1.2—NON-RECORDABLE

- Transfer Declarations (Undisclosed Transfer Tax)
- Preliminary Change of Ownership Report (PCOR)
- Any other Unrecorded Disclosure

12.2—*CeRTNA STANDARD REJECTION REASONS*

- A.P.N. not found
- Acceptance required
- All-Purpose Acknowledgment required
- Attachment part of document

- Insufficient space for recording stamp
- Unaltered death certificate required
- Document image is illegible
- Document is incomplete
- Document requires verification
- Documentary Transfer Tax (DTT) is incomplete
- Legal description missing
- Missing completion date
- Name and return address missing
- Name must be typed or printed
- Name or company or trust missing
- No name set out for...
- Notary acknowledgment incomplete
- Notary acknowledgment required
- Notary seal illegible/altered
- Notary signature and/or seal missing
- Preliminary Change of Ownership Report (PCOR) missing
- Property not in this county
- Recording reference missing/incorrect
- Re-recording problem
- Signature missing
- Tax statement address required
- UCC perfect security interest
- Original document required
- Original certified copy required
- No provision to record
- Names must agree
- Multiple reject reasons
- Pulled with order
- Free form

12.3—MANUAL SUBMISSIONS

There are always reasons why Manual Submissions may be necessary from time to time. While the goal of Electronic Recording is to record as many documents electronically as possible for efficiency, the Recorder recognizes the following exceptions:

- Power Outage at the Submitter/Recorder
- Hardware Malfunctions
- Voluminous Documents
- Fragile Documents

- Documents with Brads and Ribbons
- Documents with Fill-ins
- Other Emergencies

13.0—USER GUIDE

User guides will be provided during the User's training to better provide for a full working knowledge of the system and its reporting capabilities. The following manuals will be made available:

- ERDS Bulk Submitter User Guide
- ERDS Direct Submitter User Guide
- ERDS Workstation, IKey Token Configuration and Installation
- ERDS Report User Guide
- *(Other Guides as they become available)*

14.0—SUPPORT PROCEDURES

14.1—HELP SUPPORT PROTOCOL

14.1.1—At the Submitter’s Office

RECORDING ISSUES:

- Submitters must try to resolve the recording issue first within their own office.
- If the submitters and their supervisors are unable to resolve the recording issue, they may then contact the Recording Staff at the Recorder’s Office for further assistance.

Kern County Recording Department:

Telephone: (661) 868-6448

E-mail: recorder@kerncounty.com

- If the issue must be addressed by technical support, the Recording Staff will refer the call to the IT Staff at the Recorder’s Office.

○ TECHNICAL ISSUES:

- Submitters must try to resolve the technical issue first within their own office.
- If the submitters and their technical support are unable to resolve the issue, they may then contact the IT Staff at the Recorder’s Office for further assistance.

Kern County Recorder’s IT Department:

Telephone: (661) 868-6447

- If the issue must be addressed by the Recording Staff, the IT Staff will refer the call to the Recording Staff at the Recorder’s Office.

14.1.2—At the Recorder’s Office

○ RECORDING ISSUES:

- Recording Staff will address the issue or refer the matter over to their immediate supervisor.
- If the Recording Staff is unable to resolve the issue, it will contact the Submitter for the batch in question.

- TECHNICAL ISSUES:
 - The Recorder's IT Staff will address the issue or refer the matter over to their immediate supervisor.
 - If the Recorder's IT Staff is unable to resolve the issue, it will contact CeRTNA staff directly.

14.2—WHOM TO CALL

- Your office has a designated technician to provide first level support for problems with scanners, printers, internet connections, etc.
- For all other problems, contact the Kern County Recorder's Office at the following specific telephone numbers:
 - **RECORDING/REJECTION ISSUES:**
 - Telephone: (661) 868-6448 (General questions)
Note: For specific Recording Clerks, refer to the County Contact List in section 14.3.2 of this manual.
 - E-mail: recorder@co.kern.ca.us
 - Hours: 8:00 AM—5:00 PM, Monday thru Friday, excluding holidays.
 - Recording Staff will either provide assistance, or will identify the correct person to help you resolve the issue.
 - **TECHNICAL SUPPORT (IT) ISSUES:**
 - Telephone: (661) 868-6447
 - E-mail: burtonj@kerncounty.com
 - Hours: 8:00 AM—5:00 PM, Monday thru Friday, excluding holidays.
 - Technical support staff will either provide assistance, or will identify the correct person to help you resolve the issue.

14.3—COUNTY CONTACT LIST

14.3.1—Recording Administration

- Jon Lifquist, Assessor-Recorder (661) 868-3485
- Brian Pace, Assistant Recorder (661) 868-8360

14.3.2—Recording Staff

- Jason Lee, Recording Supervisor (661) 868-8374
- Susan Rodrigues, Recording Clerk (661) 868-8370
- Laura Bolton-Gallardo, Recording Clerk (661) 868-8377
- Morgan Welborn, Recording Clerk (661) 868-8386
- Daniel Duarte, Recording Clerk (661) 868-8375

14.3.3—Recorder’s IT Staff

- Jeremy Burton, LAN Systems Administrator (661) 868-6447

14.4—TROUBLE SHOOTING

To assist in locating instructions to resolve situations, find the applicable situation, then refer to the actions listed and any reference to other sections of this manual. This will take you directly to the section where the instructions are located.

14.4.1—Easily Resolved Issues

- **Image Skewed (Crooked) or Upside-down**
 - Simply rescan the document and replace the file on your computer.
 - Refer to the Quality Checking Scanned Documents section in this manual.
- **Page Count Error**
 - **During the scanning process:** you can insert, delete, and replace pages.
 - Refer to the Quality Checking Scanned Documents section of this manual.
- **Document Jammed In The Scanner**

Check for problems on the page (a tear, a staple) what would cause the jam.

 - Refer to the Document Preparation Tips section in this manual.
 - Contact your technical support for assistance. Your technical support will contact the ER Help at the Recorder’s Office for technical support if necessary.
- **Document Won’t Go Through The Scanner**
 - Is it a non-standard document?
 - Refer to the Document Preparation Tips and Manual Submissions sections of this manual.

- Are there too many pages in the scanner hopper (tray)? Try removing some.
- Try scanning one page at a time.
- Is there a problem with the scanner itself?

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

14.4.2—Issues Involving Possible Technical Support

- **Markings/Lines On Scanned Image**

The scanner may need cleaning. Contact your technical support for assistance in cleaning the scanner.

- **Cover Sheets Won't Print**

- Is the printer turned on?
- Is the internet connection working?
- Refer to the Print Document Report in the Search Results Tab under the Submissions section of this manual.

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

- **Scanner Not Working**

First, try the basics:

- Is it plugged in?
- Is it turned on?
- Is it connected to the PC?

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

- **User ID/Password Invalid**

- Was your User ID and Password entered correctly? Remember that they are both case-sensitive (lower-case and capitals).

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

- **Can't Sign Into ER Website**

- Is the internet access functioning?
- Is the URL correct: <https://www.ERDS.com/UI/>

- Was your User ID and Password entered correctly (case-sensitive)?

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

- **Sent Batch But It's Still Not Showing**

- Verify that the correct date is selected on the website report/search you're using.
- If the documents still do not appear, contact your technical support for assistance.
- **Remember to give the Recorder sufficient time to process the documents, and that documents are only processed during normal ER recording hours.**

14.4.3—Issues Directly For Technical Support

- **Token Not Working**

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

- **File Transfer Frozen/Hung Up/Stuck**

This indicates some portion of the transfer link is not working properly.

- Refer to the Submissions section of this manual.

Contact your technical support for assistance. Your technical support will contact the ER Help Desk at the Recorder's Office for technical support if necessary.

15.0—FORMS

15.1—DECLARATION

DECLARATION

I, _____, do hereby acknowledge and declare that I have reviewed the California statutes (copies of which are attached hereto as Exhibits ‘A’, ‘B’, ‘C’, and ‘D’) that define a title insurer, an underwritten title company, and an institutional lender, and on that basis hereby represent and warrant that, to the best of my knowledge and belief, [NAME OF SUBMITTER], on whose behalf authorization as an Authorized Submitter is sought, falls within the statutory definition indicated by my checkmark set forth below:

- a **title insurer** (Cal. Insurance Code Section 12340.4) or
- an **underwritten title company** (Cal. Insurance Code 12340.5) or
- an **institutional lender** (Cal. Financial Code Section 50003) or
- an **other submitter** recording consistent with Gov. Code 27201(a) provided that, if an Agent is used, the Agent shall not be a vendor of an electronic recording delivery system.

The undersigned hereby declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

[NAME OF SUBMITTER]:

By: _____

Name (Print or Type): _____

Name of Entity: _____

Title (if applicable): _____

Date: _____

EXHIBIT 'A'

California Insurance Code Section 12340.4:

"Title insurer" means any company issuing title policies as insurer, guarantor or indemnitor.

"Domestic title insurer" means any title insurer organized under the laws of this state.

"Foreign title insurer" means any title insurer organized under the laws of any other jurisdiction.

EXHIBIT 'B'

California Insurance Code Section 12340.5:

"Underwritten title company" means any corporation engaged in the business of preparing title searches, title examinations, title reports, certificates or abstracts of title upon the basis of which a title insurer writes title policies.

EXHIBIT 'C'

California Financial Code Section 50003:

(a) "Annual audit" means a certified audit of the licensee's books, records, and systems of internal control performed by an independent certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards.

(b) "Borrower" means the loan applicant.

(c) "Buy" includes exchange, offer to buy, or solicitation to buy.

(d) "Commissioner" means the Commissioner of Corporations.

(e) "Control" means the possession, directly or indirectly, of the power to direct, or cause the direction of, the management and policies of a licensee under this division, whether through voting or through the ownership of voting power of an entity that possesses voting power of the licensee, or otherwise. Control is presumed to exist if a person, directly or indirectly, owns, controls, or holds 10 percent or more of the voting power of a licensee or of an entity that owns, controls, or holds, with power to vote, 10 percent or more of the voting power of a licensee. No person shall be deemed to control a licensee solely by reason of his or her status as an officer or director of the licensee.

(f) "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(g) "Engage in the business" means the dissemination to the public, or any part of the public, by means of written, printed, or electronic communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communications media, of any information relating to the making of residential mortgage loans, the servicing of residential mortgage loans, or both. "Engage in the business" also means, without limitation, making residential mortgage loans or servicing residential mortgage loans, or both.

(h) "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(i) "In this state" includes any activity of a person relating to making or servicing a residential mortgage loan that originates from this state and is directed to persons outside this state, or that originates from outside this state and is directed to persons inside this state, or that originates inside this state and is directed to persons inside this state, or that leads to the formation of a contract and the offer or acceptance thereof is directed to a person in this state (whether from inside or outside this state and whether the offer was made inside or outside the state).

(j) "Institutional investor" means the following:

(1) The United States or any state, district, territory, or commonwealth thereof, or any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state, district, territory, or commonwealth of the United States, or any agency or other instrumentality of any one or more of the foregoing, including, by way of example, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(2) Any bank, trust company, savings bank or savings and loan association, credit union, industrial bank or industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurance company, or subsidiary or affiliate of one of the preceding entities, doing business under the authority of or in accordance with a license, certificate, or charter issued by the United States or any state, district, territory, or commonwealth of the United States.

(3) Trustees of pension, profit-sharing, or welfare funds, if the pension, profit-sharing, or welfare fund has a net worth of not less than fifteen million dollars (\$15,000,000), except pension, profit-sharing, or welfare funds of a licensee or its affiliate, self-employed individual retirement plans, or individual retirement accounts.

(4) A corporation or other entity with outstanding securities registered under Section 12 of the federal Securities Exchange Act of 1934 or a wholly owned subsidiary of that corporation or entity, provided that the purchaser represents either of the following:

(A) That it is purchasing for its own account for investment and not with a view to, or for sale in connection with, any distribution of a promissory note.

(B) That it is purchasing for resale pursuant to an exemption under Rule 144A (17 C.F.R. 230.144A) of the Securities and Exchange Commission.

(5) An investment company registered under the Investment Company Act of 1940; or a wholly owned and controlled subsidiary of that company, provided that the purchaser makes either of the representations provided in paragraph (4).

(6) A residential mortgage lender or servicer licensed to make residential mortgage loans under this law or an affiliate or subsidiary of that person.

(7) Any person who is licensed as a securities broker or securities dealer under any law of this state, or of the United States, or any employee, officer or agent of that person, if that person is acting within the scope of authority granted by that license or an affiliate or subsidiary controlled by that broker or dealer, in connection with a transaction involving the offer, sale, purchase, or exchange of one or more promissory notes secured directly or indirectly by liens on real property or a security representing an ownership interest in a pool of promissory notes secured directly or indirectly by liens on real property, and the offer and sale of those securities is qualified under the California Corporate Securities Law of 1968 or registered under federal securities laws, or exempt from qualification or registration.

(8) A licensed real estate broker selling the loan to an institutional investor specified in paragraphs (1) to (7), inclusive, or paragraph (9) or (10).

(9) A business development company as defined in Section 2(a)(48) of the Investment Company Act of 1940 or a Small Business Investment Company licensed by the United States Small Business Administration under Section 301(c) or (d) of the Small Business Investment Act of 1958.

(10) A syndication or other combination of any of the foregoing entities that is organized to purchase a promissory note.

(11) A trust or other business entity established by an institutional investor for the purpose of issuing or facilitating the issuance of securities representing undivided interests in, or rights to receive payments from or to receive payments primarily from, a pool of **financial** assets held by the trust or business entity, provided that all of the following apply:

(A) The business entity is not a sole proprietorship.

(B) The pool of assets consists of one or more of the following:

(i) Interest-bearing obligations.

(ii) Other contractual obligations representing the right to receive payments from the assets.

(iii) Surety bonds, insurance policies, letters of credit, or other instruments providing credit enhancement for the assets.

(C) The securities will be either one of the following:

(i) Rated as "investment grade" by Standard and Poor's Corporation or Moody's Investors Service, Inc. "Investment grade" means that the securities will be rated by Standard and Poor's Corporation as AAA, AA, A, or BBB or by Moody's Investors Service, Inc. as Aaa, Aa, A, or Baa, including any of those ratings with "+" or "--" designation or other variations that occur within those ratings.

(ii) Sold to an institutional investor.

(D) The offer and sale of the securities is qualified under the California Corporate Securities Law of 1968 or registered under federal securities laws, or exempt from qualification or registration.

(k) "Institutional lender" means the following:

(1) The United States or any state, district, territory, or commonwealth thereof, or any city, county, city and county, public district, public authority, public corporation, public entity, or political subdivision of a state, district, territory, or commonwealth of the United States, or any

agency or other instrumentality of any one or more of the foregoing, including, by way of example, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(2) Any bank, trust company, savings bank or savings and loan association, credit union, industrial loan company, or insurance company, or service or investment company that is wholly owned and controlled by one of the preceding entities, doing business under the authority of and in accordance with a license, certificate, or charter issued by the United States or any state, district, territory, or commonwealth of the United States.

(3) Any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of that corporation.

(4) A residential mortgage lender or servicer licensed to make residential mortgage loans under this law.

(l) "Law" means the California Residential Mortgage Lending Act.

(m) "Lender" means a person that (1) is an approved lender for the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Government National Mortgage Association, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation, (2) directly makes residential mortgage loans, and (3) makes the credit decision in the loan transactions.

(n) "Licensee" means, depending on the context, a person licensed under Chapter 2 (commencing with Section 50120), Chapter 3 (commencing with Section 50130), or Chapter 3.5 (commencing with Section 50140).

(o) "Makes or making residential mortgage loans" or "mortgage lending" means processing, underwriting, or as a lender using or advancing one's own funds, or making a commitment to advance one's own funds, to a loan applicant for a residential mortgage loan.

(p) "Mortgage loan," "residential mortgage loan," or "home mortgage loan" means a federally related mortgage loan as defined in Section 3500.2 of Title 24 of the **Code** of Federal Regulations, or a loan made to finance construction of a one-to-four family dwelling.

(q) "Mortgage servicer" or "residential mortgage loan servicer" means a person that (1) is an approved servicer for the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Government National Mortgage Association, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation, and (2) directly services or offers to service mortgage loans.

(r) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

(s) "Net worth" has the meaning set forth in Section 50201.

(t) "Own funds" means (1) cash, corporate capital, or warehouse credit lines at commercial banks, savings banks, savings and loan associations, industrial loan companies, or other sources that are liability items on a lender's **financial** statements, whether secured or unsecured, or (2) a lender's affiliate's cash, corporate capital, or warehouse credit lines at commercial banks or other sources that are liability items on the affiliate's **financial** statements, whether secured or unsecured. "Own funds" does not include funds provided by a third party to fund a loan on condition that the third party will subsequently purchase or accept an assignment of that loan.

(u) "Person" means a natural person, a sole proprietorship, a corporation, a partnership, a limited liability company, an association, a trust, a joint venture, an unincorporated organization, a joint stock company, a government or a political subdivision of a government, and any other entity.

(v) "Residential real property" or "residential real estate" means real property located in this state that is improved by a one-to-four family dwelling.

(w) "SAFE Act" means the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Public Law 110-289).

(x) "Service" or "servicing" means receiving more than three installment payments of principal, interest, or other amounts placed in escrow, pursuant to the terms of a mortgage loan and performing services by a licensee relating to that receipt or the enforcement of its receipt, on behalf of the holder of the note evidencing that loan.

(y) "Sell" includes exchange, offer to sell, or solicitation to sell.

(z) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

(aa) For purposes of Sections 50142, 50143, and 50145, "nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

EXHIBIT 'D'

California Government Code Section 27391(c):

(1) A county recorder may enter into a contract with an authorized submitter not authorized pursuant to subdivision (b) for the delivery for recording, and return to the party requesting recording, of a digital or digitized electronic record that is an instrument to be recorded consistent with subdivision (a) of Section 27201. The contract may provide for the delivery of documents by an agent. However, the agent shall not be a vendor of electronic recording delivery systems.

(2) An authorized submitter authorized pursuant to this subdivision and any agent submitting documents on behalf of an authorized submitter pursuant to this subdivision shall provide proof of financial responsibility by providing a certificate of insurance evidencing an amount of general liability coverage reasonably adequate to protect against liability and cover potential losses. The amount of general liability coverage required by this paragraph shall be set through rule or regulation by the Attorney General in consultation with interested parties.

15.2—ERDS Form 12 (Acknowledgment of Responsibilities)

STATE OF CALIFORNIA
Electronic Recording Delivery System (ERDS)
Acknowledgment of Responsibilities
ERDS 0012
(Rev. 09/07)

DEPARTMENT OF JUSTICE
California Justice Information Services Division
CJIS Operations Support Bureau
Electronic Recording Delivery System Program
Telephone: (916) 227-8907
FAX: (916) 227-0595
E-mail: erds@doj.ca.gov

Electronic Recording Delivery System Acknowledgment of Responsibilities

EMPLOYEE _____ EMPLOYED BY: COUNTY RECORDER
(Print Name) AUTHORIZED SUBMITTER OR AGENT
 VENDOR OF ERDS SOFTWARE

The Electronic Recording Delivery Act of 2004 authorizes a county recorder, upon approval by resolution of the Board of Supervisors and system certification by the ERDS Program, to establish an Electronic Recording Delivery System for the delivery, and, when applicable, return of specified digitized and digital electronic records that are an instrument of real estate transactions, subject to specified conditions, including system certification, regulation and oversight by the ERDS Program.

ERDS users shall comply with the California Code of Regulations, Title 11, Division 1, Chapter 18, Articles 1 - 9 governing the use of an ERDS and the County Recorder's ERDS operating procedures relating to the appropriate use of the ERDS.

ERDS users are responsible for taking the appropriate steps to secure their ERDS password. General requirements for your password are:

- Do not share your password with anyone.
- Do not convey your password to anyone via telephone, e-mail, verbally, etc.
- Do not insert your password into e-mail messages or other forms of electronic communications where the password is in clear, readable text that can be read by someone else or posted where it can be compromised.
- Do not write down your password and store it anywhere in your work area (i.e., taped to the bottom of the keyboard, under the front of the monitor, in a desk drawer, under the desk itself, etc.) where it can be compromised. Store your password in a secure location.
- Do not talk about your password in front of other people.

You will be held accountable if you fail to comply with the password policy and protection standards. If you suspect that your account or password was compromised, report the incident to your supervisor.

Any individual who is responsible for misuse may be subject to having access to the ERDS terminated or suspended by the ERDS Program.

I have read the above and understand regarding the use of the ERDS. This document will be kept in my personnel folder or pertinent file subject for review during local inspections.

Signature: _____ Date: _____

15.3—Request For Live Scan Service

(SAMPLE ONLY—Visit <http://ag.ca.gov/erds1/> for FORMS)

REQUEST FOR LIVE SCAN SERVICE Applicant Submission

ORI: <u>CA0349400</u> <small>Code assigned by DOJ</small>		Type of Application: <u>ERDS SEC ACCESS GC 27395</u>	
Job Title or Type of License, Certification or Permit: <u>ERDS SEC ACCESS GC 27395</u>			
Agency Address Set Contributing Agency: <u>Department of Justice</u>		<u>09956</u>	
Agency authorized to receive criminal history information <u>4949 Broadway</u>		Mail Code (five digit code assigned by DOJ) <u>ERDS Program</u>	
Street No. <u>Sacramento</u>	Street or P.O. Box <u>CA</u>	Zip Code <u>95820</u>	Contact Name (Mandatory for all school submissions) <u>(916) 227-8907</u>
City <u>Sacramento</u>	State <u>CA</u>	Zip Code <u>95820</u>	Contact Telephone No. <u>(916) 227-8907</u>
Name of Applicant: _____ <small>(please print) Last First MI</small>			
Alias: _____ <small>Last First</small>		Driver's License No. _____	
Date of Birth: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Misc. No. BIL- <u>N/A</u> <small>Agency Billing Number (if applicable)</small>	
Height: _____	Weight: _____	Misc. No: _____	
Eye Color: _____	Hair Color: _____	Home Address: _____ <small>Street or P.O. Box</small>	
Place of Birth: _____	_____ <small>City, State and Zip Code</small>		
SOC: _____			
Your Number: _____ <small>OCA No. (Agency Identifying No.)</small>		Level of Service <input checked="" type="checkbox"/> DOJ <input checked="" type="checkbox"/> FBI	
If resubmission, list Original ATI No. _____			
Employer: (Additional response for agencies specified by statute)			
Employer Name _____			
Street No. _____	Street or P.O. Box _____	Mail Code (five digit code assigned by DOJ) _____	
City _____	State _____	Zip Code _____	Agency Telephone No. (optional) () _____
Live Scan Transaction Completed By: _____ <small>Name of Operator</small>		Date: _____	
Transmitting Agency _____	ATI No. _____	Amount Collected/Billed _____	

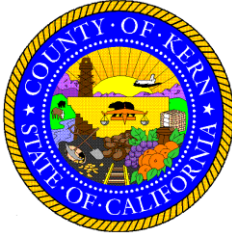
BCII 8016ERDS

ORIGINAL – Live Scan Operator, SECOND COPY – Requesting Agency, THIRD COPY – Applicant

15.4—Token Form

The CeRTNA Token Form is currently being developed and will be incorporated herein in future revisions.

15.5—Request For Electronic Recording Staff Change



Kern County Recorder's Office
 Jon Lifquist, Assessor-Recorder
 1530 Truxtun Ave., Bakersfield, CA 93301
 (661) 688-6400
recorder@kerncounty.com

REQUEST FOR ELECTRONIC RECORDING STAFF CHANGE

Company Name: _____ CeRTNA ID: _____

What function(s) will this person perform?						
Add Chg	Delete	Name	*Scan & Submit	**View CeRTNA Website	(Other)?	**Print face sheet
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

*These individuals will need access to a scanning station.

**These individuals will need access to a workstation with Internet access.

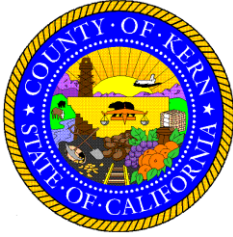
Submitted by: _____
 Title: _____

Signature: _____
 Date: _____

Phone number: (____) - ____ - _____

Internal Use Only		
Approved by:	<input style="width: 95%;" type="text"/>	Date Change(s) Completed: <input style="width: 25%;" type="text"/> By: <input style="width: 25%;" type="text"/>

15.5—Training Evaluation



Kern County Recorder's Office
Jon Lifquist, Assessor-Recorder
1530 Truxtun Ave., Bakersfield, CA 93301
(661) 688-6400
recorder@kerncounty.com

TRAINING EVALUATION

Please take a few moments to complete this evaluation of the training and your Instructor. Your feedback is valuable to us. Please rate on the following scale:

(5=Excellent, 4=Good, 3=Fair, 2=Poor, 1=Unacceptable)

- | | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1. What is your opinion of the training session? | <u>5</u> | <u>4</u> | <u>3</u> | <u>2</u> | <u>1</u> |
| a. Content | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Length | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Clarify of the User Manual | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Understandability of material presented | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Training time effectively managed | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. What is your assessment of the instructor? | <u>5</u> | <u>4</u> | <u>3</u> | <u>2</u> | <u>1</u> |
| a. Knowledge of the subject | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Coverage of the subject | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Teaching skills/effectiveness | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Responsiveness to questions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Any suggestions for improvements or other comments?

16.0—COMMON QUESTIONS AND RESOLUTIONS

- **I Have A Batch Ready, But How Do I Wait Until I Receive Funding?**

- You may submit/send the documents at any time before the cut-off time. Simply wait until you receive funding.
 - Refer to the Cut-Off Times section of this manual.
 - Refer to the Submission/Cut-Off Issues question below.
- **However, remember to send the documents with sufficient time before the cut-off time or you run the risk of them not reaching the Recorder in time (and therefore, not recording at all until the next recording day).**

- **How Do I Pull A Document From A Batch Before I Submit It?**

Simply delete the document out of the batch.

- Refer to the Quality Checking Scanned Documents section of this manual.

- **How Do I Determine If A Document Was Already Recorded?**

The information is available on the ER Website, and accessible at any time.

- Refer to the Document Tracking section of this manual.
- As soon as the documents are processed by the Recorder, the website it immediately updated with either the recording information and fees, or the reason(s) of rejection.

- **How Do I Determine Why A Document Was Rejected?**

The Rejection reports on the ER Website explain in detail why a document was rejected. Simply correct the problem and resubmit the document for recording, or contact the Recording Clerk directly with any questions regarding the reasons of rejection.

- Refer to the Report Procedures section of this manual.
- To reach a specific Recording Clerk, refer to the County Contact List section of this manual.

- **How Can I Lower Costs For Rejected Documents?**

The Rejection Reports on the ER Website show why the rejections are occurring. Modifying business practices to lessen the rejections can lower costs and save your company valuable time!

- Refer to the Report Procedures section of this manual.

- **Do I Have To Print The Cover Sheet?**

YES! As part of your company's agreement with the Recorder's Office, you are required to print out the Cover Sheet (with the recording information and fees paid) and attach it to the original document prior to returning it to the customer(s).

The Cover Sheet allows the customers to know that the document was recorded electronically (although the original to which it is attached "appears unrecorded"). If an original document were to be returned to a customer without the Cover Sheet, it could mistakenly be recorded twice!

- **Can I Scan And Transmit From Any Workstation?**

YES, if your management chooses to set it up this way. Each station that scans and transmits needs hardware and software that will accommodate that function and each person needs to be authorized for that function by the Recorder's Office.

- Refer to the Employee Selection Guidelines section of this manual.

- **Can Other Parties View My Information Online?**

NO! The system is designed to protect the privacy of your information so that unauthorized individuals are not able to access your information. Your management decides who within your office should view what information and security is set up according to the direction of your management.

It is **very important** for your Security Liaison to keep the Recorder's Office informed of staff assignment changes so that system access can be kept current and this privacy can be assured.

- **Submission/Cut-Off Issues**

- I submitted a batch with an 8:00 "recording class" but the website shows it arrived at the Recorder's Office after the cut-off time.

It is very important to submit batches with enough time to reach the Recorder's Office by the cut-off time. Batches can not be pulled or "recalled" once submitted.

- The original batch will record at the next 8:00 recording the following business day.

- I submitted a batch with a normal "recording class" but the website shows it arrived at the Recorder's Office after the cut-off time for that day.

It is very important to submit batches with enough time to reach the Recorder's Office by the cut-off time. Batches can not be pulled or "recalled" once submitted.

- The original batch will record live the following business day.

17.0—GLOSSARY

ACH	<i>See “Automated Clearing House”</i>
Automated Clearing House	An electronic network for financial transactions in the United States; processing large volumes of both credit and debit transactions, payroll, and payments.
AG	<i>See “Attorney General”</i>
Agent	A representative and his/her employees who are authorized to submit documents on behalf of an Authorized Submitter who has entered into a contract with a County Recorder and assigned a role by the County Recorder, to deliver, and, when applicable, return the submitted ERDS payloads via an ERDS. An Agent may not be a Computer Security Auditor, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator, or Vendor of ERDS Software. (Refer to the definition of “Vendor of ERDS software (or Developer)” within this section.)
Approved Escrow Company	An escrow company approved pursuant to the California Code of Regulations, Title 2, Division 7, Chapter 6, Article 3, D, List of Approved Companies and Facilities, Section 20639.
Attorney General	The Attorney General of the State of California. Acronym: “AG”.
Authorized Access	A role assigned by the County Recorder to an Authorized Submitter and Agent, if any, who is authorized to use ERDS. This role does not require fingerprinting.
Authorized Security Representative	AKA: “Security Liaison”. The person in the Title Office authorized to request the Recorder’s Office to add, change, or delete User security for the system.
Authorized Submitter	A party and his/her employees that has entered into a contract with a County Recorder and assigned a role by the County Recorder, to deliver, and, when applicable, return the submitted ERDS payloads via an ERDS. An Authorized Submitter may not be a Computer Security Auditor, County Recorder Designee, ERDS Account Administrator, ERDS System Administrator or Vendor of ERDS Software.
CCISDA	California County Information Services Directors Association
CCR	California Code of Regulations
Certificate Authority	A certificate authority that issues digital certificates for the purpose of establishing secure Internet sessions between an Authorized Submitter and an ERDS. Certificate authorities also validate digital certificates presented as proof of identity.
CFE	Certified Fraud Examiner
CeRTNA	Acronym for “California E-Recording Transaction Network Authority”. The provider of the ERDS for the County Recorder.
CIA	Certified Internal Auditor
CISA	Certified Information Systems Auditor
CISSP	Certified Information Systems Security Professional
Computer Security Auditor	(1) DOJ approved computer security personnel hired by the County Recorder to perform independent audits. (2) A role assigned by the County Recorder to the Computer Security Auditor who is authorized to review transaction logs and conduct tests on computer security mechanisms. A Computer Security Auditor may not be an Authorized Submitter, Agent, County Recorder Designee, ERDS Account Administrator, ERDS System

	Administrator or Vender of ERDS Software. This role requires fingerprinting. A Computer Security Auditor shall be issued a certificate of approval by the ERDS Program.
County Recorder	A public official responsible for administering an ERDS, ensuring that all ERDS requirements are met and who oversees the assignment and delegation of the responsibilities by determining the necessary resources and means.
County Recorder Designee	A Secure Access role assigned by the County Recorder to retrieve, and, when applicable, return submitted ERDS payloads. A County Recorder Designee may not be a Computer Security Auditor, Authorized Submitter, Agent or Vendor of ERDS Software. This role requires fingerprinting.
Department of Justice	The Department of Justice of the State of California. Acronym: "DOJ".
Developer	Refer to Vendor of ERDS Software.
Digital Electronic Record	A record containing information that is created, generated, sent, communicated, received or stored by electronic means, but not created in original paper form.
Digital Signature	A set of electronic symbols attached to, included in, or logically associated with one or more instruments, inclusive of information related to and intended for association with the instruments, that is the result of a process, or processes, designed and employed for the purpose of verifying the integrity, accuracy or authenticity of the instruments with related information. For the purpose of an ERDS, a digital signature is generated by encrypting the hash value of an ERDS payload.
Digitized Electronic Record	A scanned image of the original paper document.
DOJ	<i>See "Department of Justice"</i>
Electronic Signature of the Notary	A field or set of fields, containing information about the electronic signature of the notary who notarized an instrument.
Electronic Recording	AKA: "ER". The electronic submission of official documents for recording from an outside source to the Recorder's Office.
ER	<i>See "Electronic Recording"</i>
ERDA	Electronic Recording Delivery Act of 2004.
ERDS	<i>See "Electronic Recording Delivery System"</i>
Electronic Recording Delivery System	Electronic Recording Delivery System – An ERDS Program certified system to deliver digitized instruments to a County Recorder, and, when applicable, return to the Authorized Submitter.
ERDS Account Administrator	A secure access role assigned by the County Recorder to an individual authorized to configure accounts, assign roles and issue credentials. An ERDS Account Administrator may not be a Computer Security Auditor, Authorized Submitter, Agent or Vendor of ERDS Software. This role requires fingerprinting.
ERDS Payload	An electronic structure designed for the purpose of delivering instruments to a County Recorder via an ERDS. The structure is also used to return instruments to an Authorized Submitter via an ERDS.
ERDS Program	The program within DOJ designated by the Attorney General to certify,

	implement, regulate and monitor an ERDS.
ERDS Server	Computer hardware, software and storage media used by the County Recorder to implement an ERDS. The ERDS server executes the primary functionality of the application software associated with an ERDS. The ERDS Server includes software for encrypting, decrypting, hashing, submitting, and, when applicable, returning the ERDS payloads. It also includes storage media for the ERDS payloads in the process of being delivered to the County Recorder or, when applicable, being returned to the Authorized Submitter. Separate physical servers dedicated to performing ERDS server functions are not required provided that the ERDS server functions can be isolated from other server functions, as evidenced by audit.
ERDS System Administrator	A secure access role assigned by the County Recorder to an individual who is authorized to configure hardware, software, network settings and to maintain ERDS security functions. An ERDS System Administrator may not be a Computer Security Auditor, Authorized Submitter, Agent or Vendor of ERDS Software. This role requires fingerprinting.
FIPS	Federal Information Processing Standard
GIAC	Global Information Assurance Certification
GSNA	GIAC Systems and Network Auditor
HMAC	Hash Message Authentication Code
Incident	An event that may have compromised the safety or security of an ERDS.
Instrument	An Instrument is defined in Govt. Code 27279 as a written paper signed by a person or persons transferring this title to, or giving a lien, on real property, or giving a right to a debt or duty. For the purpose of these Operating Procedures, this shall include a digitized image of the same, as permitted and defined in Govt. Code 27279.
Lead County	The County Recorder in a Multi-County ERDS responsible for administering an ERDS, ensuring that all ERDS requirements are met and who oversees the assignment and delegation of the responsibilities by determining the necessary resources and means.
Live Scan	A DOJ system used for the electronic submission of applicant fingerprints. This system is outside of the ERDS Program.
Logged	An auditable ERDS event.
Logical	The way data or systems are organized. For example, a logical description of a file is that it is a collection of data stored together.
MAC	Message Authentication Codes
Multi-County	An ERDS application where County Recorders collaborate and make use of a single ERDS serving multiple counties.
NIST	National Institute of Standards and Technology
Non-Substantive Modification	A change that does not affect the functionality of an ERDS.
ORI	Originating Agency Identifier
Physical Access	Access granted to an individual who has physical access to an ERDS server. This level of access requires fingerprinting with the exception of a

	county data center or an outsourced county data center in which physical access is already managed by security controls.
Public Entity	Includes the State, the Regents of the University of California, a county, city, district, public authority, public agency, any other political subdivision or public corporation in the State and federal government entities.
PKI	A Public Key Infrastructure is a framework for creating a secure method for exchanging information based on public key cryptography. The foundation of a PKI is the certificate authority, which issues digital certificates that authenticate the identity of organizations and individuals over a public system such as the Internet. The certificates are also used to sign messages, which ensure that messages have not been tampered with.
Reportable	An incident that has resulted in the compromise of the safety or the security of an ERDS and shall be reported to the ERDS Program.
RSA	A public-key encryption technology developed by Rivest, Shamir and Adelman (RSA). The RSA algorithm has become the de facto standard for industrial-strength encryption especially for data sent over the Internet.
Role	A security mechanism, method, process or procedure that defines specific privileges controlling the level of access to an ERDS.
SANS Institute	Systems and Network Security Institute
Secure Access	A role assigned by the County Recorder to an individual which requires fingerprinting to: 1) an Authorized Submitter and Agent, if any; 2) a Computer Security Auditor hired by the County Recorder to perform independent audits; 3) an ERDS System Administrator authorized to configure hardware, software and network settings; 4) an ERDS Account Administrator authorized to configure accounts, assign roles and issue credentials; 5) an individual who is granted physical access to an ERDS server; 6) a County Recorder Designee authorized to retrieve, and, when applicable, return submitted ERDS payloads.
Security Liaison	<i>See "Authorized Security Representative"</i>
Security Testing	An independent security audit by a Computer Security Auditor, including, but not limited to, attempts to penetrate an ERDS for the purpose of testing the security of that system.
SHA	Secure Hash Algorithm
Source Code	A program or set of programs, readable and maintainable by humans, translated or interpreted into a form that an ERDS can execute.
Source Code Materials	Source Code Materials must include, but, are not limited to: 1) a copy of all source code that implements ERDS functionality; 2) a copy of the compiler needed to compile the ERDS source code in escrow; 3) instructions for installation and use of the ERDS source code compiler; and 4) instructions that facilitate reviews, modification and/or recompiling the source code.
Sub-County	The collaborating County Recorder(s) in a Multi-County ERDS operation.
Substantive Modification	A change that affects the functionality of an ERDS.
TLS	Transport Layer Security (formerly known as Secure Socket Layer)
Uniform Index Information	Information collected by a County Recorder in the recording process. Every Instrument delivered through an ERDS shall be capable of including uniform index information. The County Recorder shall decide on the content of uniform index information.
User	A person who uses a computer to access, submit, retrieve, or, when

	applicable, return an ERDS payload.
Vendor of ERDS Software (or Developer)	A person and personnel, supporting and/or acting on behalf of the certified Vendor of ERDS Software who sells, leases, or grants use of, with or without compensation therefore, a software program for use by counties for establishing an ERDS A Vendor of ERDS Software may not be a Computer Security Auditor, Authorized Submitter, Agent, ERDS Account Administrator, ERDS System Administrator, County Recorder Designee, or internal county resources used as a Developer of an ERDS in lieu of a Vendor. This role requires fingerprinting.
Workstation	A computer used to connect to and interact with an ERDS.