

TRUSTED SUBMITTER APPLICATION

THIS APPLICATION is being filed by the electronic recording software vendor for the purpose of becoming a "Trusted Submitter." By submitting this Application, the Applicant agrees to the provisions below.

1. **Definitions.**

- a. Electronic Recording Council of Wisconsin (ERCWIS) was appointed by the Governor to establish standards to facilitate the electronic recording of documents in a safe, secure and efficient manner.
- b. A "Trusted Submitter" is the software vendor that, through this agreement with the ERCWIS, is authorized to record/submit documents electronically in the State of Wisconsin.
- c. A "ROD" is the Register of Deeds for a particular county in the State of Wisconsin.
- d. An "electronic recording" and any variation thereof means: the electronically based submittal of documents from a Trusted Submitter to a ROD and the electronically based receipt of confirmation of recording of such document from a ROD to the Trusted Submitter.

2. **Background for Application.** Any entity wishing to record documents electronically must first be accepted as a Trusted Submitter by the Wisconsin Electronic Recording Council (ERCWIS). Acceptance of this Application means that the Trusted Submitter will be authorized to electronically record documents in all Wisconsin Counties, but each County may impose certain business requirements above and beyond the standards for electronic recordings. A Trusted Submitter is responsible for knowing and satisfying those business requirements.

3. **Obligations of Trusted Submitter.** The applicant agrees that it will:

- a. Work cooperatively and in good faith with each ROD with whom it intends to submit electronic recordings.
- b. Become informed as to and operate in accordance with the State's standards for electronic recording reflected in Chapter Adm 70 and Chapter Adm 12.
- c. Whenever practicable employ Model 3 recording technology and procedures.
- d. Remain reasonably available or designate an agent to remain available to answer queries from the ROD and clarify issues arisen during the electronic recording process.
- e. Clearly indicate the submitter's name and return address on each electronically recorded document in accordance with Wisconsin Statute Section 59.43(2m)(4).

- f. With respect to preparing the party name index, utilize the appropriate procedures set forth on the Wisconsin Register of Deeds Association website at www.wrdaonline.org/PDF/IndexingGuidelinesERecord.pdf. In connection with Model 2 documents, the Trusted Submitter will provide a minimum of one grantor and grantee in the index that accompanies the document image.
 - g. Employ good faith efforts to ensure that an accurate legal description of the real property referenced in the documents is attached where applicable to each electronic submission, as required by Section 706.01(7r), Wis. Stats, which makes further reference to Section 66.0214(1)(c), Wis. Stats.
 - h. Learn about and comply with the ROD's requirements for payment of recording fees.
 - i. Within 10 business days, notify the ERCWIS in writing of any changes to any of the information provided in Schedule 1 to this Application.
 - j. For any document electronically submitted by a Wisconsin Trusted Submitter, the submitter acknowledges that they have complied with state and federal regulations for electronic signatures and electronic notaries.
 - k. The Trusted Submitter software vendor has signed agreements with their customers ensuring the customer has complied with state and federal regulations for electronic signatures and electronic notaries.
4. **Termination or Suspension of Privilege of Electronic Recording.** In addition to any other business requirements of a ROD, the applicant acknowledges that a ROD with actual notice to a submitter, may suspend acceptance of electronic recordings from the Trusted Submitter in the ROD's county, and ERCWIS may suspend the Submitter in all Wisconsin counties, if:
- a. The Trusted Submitter materially fails to comply with the terms of this Application or the Code and the failure is not cured by the Trusted Submitter within three weeks after written notice of such failure given by the ROD.
 - b. The Trusted Submitter's payment for any electronic recording does not result in the ROD receiving good funds for any recording fees. The ROD may refuse to record the documents in connection with a particular attempted electronic recording for which inadequate payment is received (as it would be required to do under Wisconsin law), or the ROD may elect to suspend electronic recordings if the ROD feels that such action is appropriate.
 - c. A ROD experiences persistent problems the Trusted Submitter's performance of electronic recordings, but only if the ROD has warned the Trusted Submitter of the condition at least twice in the preceding 6 month period and the problem has, in reasonable opinion of the ROD, failed to be corrected.

Failure to enforce any remedy following one breach of this Agreement does not preclude enforcement of any subsequent breach of the same or a different nature.

5. Miscellaneous.

- a. Trusted Submitter acknowledges that an electronic recording system may not always be available. ROD will not be liable if its electronic recording system is not available due to the failure of the software or hardware, failure of utilities, or similar reasons beyond the reasonable control of the ROD.
- b. Trusted Submitter acknowledges that the ROD's electronic recording system may not be compatible with all possible systems used by Trusted Submitter, and ROD will not be liable for any incompatibility.
- c. If the Trusted Submitter elects to discontinue participation under this Application, then it may do so. The privilege of electronic recording granted under this Application may not be transferred to another entity.
- d. This Application may be executed and delivered (including by facsimile or PDF transmission) in one or more counterparts, or by electronic means such as the "click through" below or electronically signed PDF documents.

Signature on next page

Schedule 1 and Signature Page for Trusted Submitter Application

Note: Schedule 1 updates must be given to the ERCWIS within 10 business days. Use www.ercwis.wi.gov . Select Membership and email the chairperson and staff.

Exact Entity Name of Trusted Submitter: _____

State of Organization: _____ State ID Number: _____

Street Address: _____

Name and Title of Person Signing for Trusted Submitter: _____

If different, name and title of person responsible for administration of electronic recordings:

Phone Number: _____ Email: _____

Name of alternate person also responsible for administration of electronic recordings:

Phone Number: _____ Email: _____

Short description of nature of business:

Reference to other Register of Deeds (that the applicant has recorded documents with) and their respective counties and states (please list)

Description of "document preparation system" or "e-recording platform" used by Trusted Submitter:

If submitted non-electronically, signature of Trusted Submitter:

Signature

Date

Accepted applications will be indicated by listing as such at the ERCWIS website, at <http://ercwis.wi.gov>

Updated December 12, 2014