

THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY

REAL ESTATE ELECTRONIC RECORDING RULES

FOR THE

STATE OF GEORGIA

Version 2025-04-09

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Version 2025-04-09

Scope

These revised rules are adopted as authorized and directed by the statutory provisions related to the implementation and governance of all electronic submissions of real estate documents for official recording with clerks of superior court in the State of Georgia with certain exceptions for intra-governmental exchanges.

Legislation passed in the 2024 session of the Georgia General Assembly and signed by the Governor substantially impacts the requirements for electronic submission of real estate documents for recordation by requiring individual government issued identification processes as well as other matters related to mandatory electronic filing requirements for certain persons. The effective date for that legislation is January 1, 2025.

These revised rules provide for implementation of those legislative requirements which are expected to produce the following results:

- Increased level of protection from fraud for Georgia residents and commerce through validation of filer government issued identification documents.
- Providing greater compatibility with standards and practices of other jurisdictions nationally.
- Simplification and decreased complexity of the electronic recording process in Georgia
- Continuation of the incorporation of compliance with the most recent standards of the Property Records Industry Association, a nationally recognized standards setting body for electronic real property recording.

Section 1. Authority for Adoption

Statutory authorities for the promulgation of these rules by the Georgia Superior Court Clerks' Cooperative Authority are found at:

- a. Georgia General Assembly 2024 HB 1292, 2024 Act 529, amending O.C.G.A. § 44-2-39, relating to identification requirements for individuals submitting real property documents for recording using electronic means.
- b. The "Uniform Real Property Electronic Recording Act." O.C.G.A. § 44-2-35 et seq, relating to recording real estate documents using electronic means.
- c. O.C.G.A. § 44-2-39, relating to the adoption of rules and regulations to implement the Uniform Real Property Electronic Recording Act.
- d. O.C.G.A. § 15-6-67 relating to rules for the processes of electronically filing for recordation any map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan, and condominium floor plan documents in the state of Georgia.

Section 2. Versions History and Incorporation

- a. This version. The *Real Estate Electronic Recording Rules for the State of Georgia*, Version 2025-04-09, effective May 1, 2025.
 1. This Version revises Rule 4.c.9.ii, to provide for United States passports as an acceptable identification credential to be submitted for identity validation.
- b. Superseded version: The *Real Estate Electronic Recording Rules for the State of Georgia*, Version 2024-07-10, effective January 1, 2025, is found as Appendix "E" herein.
- c. Superseded version: The *Real Estate Electronic Recording Rules for the State of Georgia*, Version 2016-10-11, effective January 1, 2017, is found as Appendix "C" herein.
- d. Superseded version: The *Electronic Filing Rules for Maps, Plats, Subdivision Plats, Condominium Plats, Condominium Site Plans, Condominium Plot Plans and Condominium Floor Plans*, as revised January 9, 2019, is found as Appendix "D" herein.

Section 3. Adoption Date

These rules are adopted by official action of the Georgia Superior Court Clerks' Cooperative Authority Board of Directors at the meeting held on April 9, 2025.

Section 4. Effective Date

This version of these rules shall become effective on May 1, 2025.

Section 5. Singular Includes the Plural, Gender References, Capitalization

When required by context, a singular term shall include the plural, and the plural shall include the singular. The use of any gender, be it masculine, feminine, or other, shall include all genders. Defined terms may or may not be capitalized, depending on context.

Section 6. Office and Contacts

The office and mailing address of the adopting entity is:

Georgia Superior Court Clerks' Cooperative Authority
1875 Century Boulevard, Suite 100
Atlanta, GA 30345

Contact information:

Email: efile@gcceca.org

Telephone: (404) 327-9058

Section 7. Definitions

Defined terms within these rules shall be as follows. Defined terms need not, and may or may not, be capitalized depending on context.

- a. **Applicant** means a human individual who seeks to become an authorized submitter on the GSCCCA eFiling Portal.
- b. **Authority or GSCCCA** means the Georgia Superior Court Clerks' Cooperative Authority established pursuant to O.C.G.A. §15-6-94.
- c. **Clerk** means any clerk of superior court in the State of Georgia.
- d. **Document** means information that is:
 1. Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
 2. Eligible to be recorded in the land or lien records maintained by the clerk of superior court.
- e. **GSCCCA eFiling Portal** means the website, programs, and utilities created and maintained by the Authority that facilitates the transmission of electronic documents for recording with clerks of superior court in the State of Georgia. <https://efile.gsccca.org>
- f. **O.C.G.A** shall mean the Official Code of Georgia Annotated.
- g. **Plat** shall mean any document that is a map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan or condominium floor plan documents presented for filing with a clerk.
- h. **Self-Filer** means any person who is a party to a deed, mortgage, lien, plat, or state tax execution who is not an exempted person as defined in O.C.G.A. §44-2-2(a) as found in Appendix "A".
- i. **Submitter** means a human individual who has been authorized by the Authority to transmit and present a document to a clerk for recording using the GSCCCA eFiling Portal.
- j. **Technical Specifications** mean the specifications found in Appendix "B," providing for the allowed format, levels of recording supported, transmission protocols, and security

requirements of the electronic records required for document transmission via the GSCCCA eFiling Portal.

Section 8. Exclusions

These rules shall not be applicable to:

- a. Intra-county electronic transfers or transmission of data between a clerk and a governmental county officer or county office within the borders of the same county.
- b. Transmission of state tax liens by the Georgia Department of Revenue for recordation by a clerk.

Section 9. Process Description

Georgia's version of the Uniform Real Property Electronic Recording Act was adopted by the legislature during the 2009 session of the General Assembly providing the basis and validity of filing real estate documents with clerks electronically.

The Uniform Real Property Electronic Recording Act (URPERA) provides a legal framework for the electronic recording of real estate documents, making it easier, faster, and more efficient to record and retrieve property records. Overall, electronic real estate filing streamlines the recording process, improves accessibility to property records, and enhances the efficiency of real estate transactions.

Authorized individuals may electronically submit real estate documents for recording. These documents typically include deeds, mortgages, plats and maps, liens, and other property-related instruments. Prior to submission, documents must be prepared according to specific formatting and technical requirements. This may involve converting documents to a compatible electronic format and ensuring they meet any additional technical requirements.

Once prepared, documents are transmitted electronically to the clerk of superior court using secure channels provided by an authorized electronic recording system. Clerk staff review the submitted documents to ensure compliance with legal requirements. If the documents meet the criteria, they are accepted for recording.

Accepted documents are officially recorded in the clerk's electronic recording system, and relevant information is indexed for retrieval. After recording, parties involved in the transaction may receive electronic notifications confirming that the documents have been recorded successfully. This helps provide assurance and transparency in the recording process.

Recorded documents are accessible to the public through the clerk's local recording system and statewide on the Authority's online search tools. The Clerks' Authority and the Clerks of Superior Court in Georgia have created a one-of-a-kind system providing unprecedented access to Georgia deeds and property transaction information in Georgia. The residents and the business community gained 24-hour, seven-day-a-week desktop access to the land records of each county through the Internet and at each of the 159 Clerks' Offices in the State. Interested parties can search for and retrieve property records electronically, reducing the need for travel, manual searches, and physical document storage.

REAL ESTATE ELECTRONIC RECORDING RULES
FOR THE STATE OF GEORGIA

Rule 1. GSCCCA eFiling Portal Usage Required

No document may be transmitted to a clerk by electronic means except via the GSCCCA eFiling Portal.

Rule 2. Compliance with Technical Specifications

The technical specifications found in Appendix “B” shall be complied with for any software application or electronic filing service that:

- a. Interfaces with the GSCCCA eFile Portal.
- b. Is involved with the electronic transmission of a document to a clerk.
- c. Initiates an electronic submission, or any system that is traversed during the electronic transmission of a document.
- d. Is the clerk’s land record management system.

Rule 3. Software Provider Certification

- a. Any software provider or electronic service provider that offers any eFiling solution to a clerk must complete the GSCCCA eFile System Certification program for compliance with technical specifications, requirements, and functionality.
- b. Only computer systems that are GSCCCA eFile certified to electronically communicate with the GSCCCA eFile Portal may be used by Clerks of Superior Court to accept deed, lien, and plat documents submitted electronically.

- c. Certified eFile applications are subject to periodic review and re-certification and decertification.

Rule 4. Submitter Authorization - Application.

- a. No document may be transmitted to a clerk by electronic means except by a submitter authorized by the Authority.
- b. A human individual who seeks to become a submitter must make application to the Authority for submitter status.
- c. An applicant shall provide such information as the Authority may require including, but not limited to, the following, Applicant's:
 - 1. Full name.
 - 2. Date of birth.
 - 3. Residential address.
 - 4. Individual telephone number.
 - 5. Email address.
 - 6. Associated business name, if any.
 - 7. Associated business address.
 - 8. Associated business telephone number.
 - 9. A digital copy of:
 - i. Valid, unexpired driver's license issued by a state within the United States, or
 - ii. Valid, unexpired United States passport, or
 - iii. Valid, unexpired personal identification card issued by the Georgia Department of Driver Services.
 - 10. A separate digital copy of applicant's signature.
 - 11. A digital image of the applicant taken at the time of making the application.
- d. An applicant shall authorize the Authority to conduct an examination into the applicant's identity using such methods as may be determined by the Authority. Such authorization shall include, but not be limited to, providing any or all of applicant's identity and demographic information to third parties outside the Authority domain for the purposes of validation.

- e. An applicant shall agree to the terms and conditions and electronically adopt and sign the submitter agreement.
- f. An applicant shall not apply for, attempt to have, or use, multiple instances as an authorized submitter.
- g. Upon successful identity validation the Authority may issue the applicant status as a submitter.
- h. Upon denial of an applicant's request the applicant may request a review of such decision by the Authority Executive Director or appointee. Any decision made on such review shall be final.
- i. The Authority may suspend, inactivate, or revoke the authorized status of any submitter for cause and may require the submitter to perform such additional steps to maintain or reinstate authorized submitter status.

Rule 5. Self-Filer Requirements

- a. On or after January 1, 2025, any deed, mortgage, lien, map, or plat presented to clerk for recording by a self-filer shall be submitted using electronic filing via the GSCCCA eFiling Portal.
- b. A self-filer must obtain authorized submitter status to present a document for recordation.
- c. A self-filer shall assume full responsibility for the content of the document including that the document is:
 - 1. Authentic, and
 - 2. Genuine, and
 - 3. Unaltered from its executed and attested state.
- d. A self-filer electronic submission shall comply with the technical specifications.

Rule 6. Submitter Compliance, Records and Software

- a. Each submitter shall comply with the technical specifications.
- b. Each submitter shall ensure that all security measures and credentials used are protected and not disclosed to or shared with any third party.
- c. All documents shall be secured so that both the transmitting and receiving parties are assured of each other's identity, and that no unauthorized party can view or alter the electronic document during transmission, processing, and delivery.
- d. A submitter shall immediately notify applicable clerks of any adverse incident affecting the security of electronic documents that are transmitted.
- e. Each submitter shall maintain an audit trail of all activity, available to those who originated, created, or received a document to facilitate resolution of issues or to investigate potentially fraudulent activity. The record audit trail must contain:
 1. All submitted content at point of transmission to a Clerk.
 2. Dates and times of receipts and transmissions.
 3. Details of amounts and sources for filing fees for recordation.
- f. Each submitter shall operate and maintain at their own expense the hardware and software used by the submitter.

Rule 7. Clerk Responsibilities

Pursuant to O.C.G.A. §44-2-38, any clerk implementing any function to receive for filing a document by electronic means shall do so in compliance with these Rules.

- a. A clerk shall continue to accept for filing paper documents as required by law.
- b. The clerk may only accept document submissions by electronic means from GSCCCA authorized submitters in good standing via the GSCCCA eFiling Portal.
- c. The clerk shall perform either an acceptance or rejection of the electronic submission.
- d. The clerk will charge the applicable recording fees and taxes that are provided by Georgia law to record electronic documents and will provide a means for such fees and taxes to be paid electronically.

- e. For each acceptance for recordation made by clerk, the clerk shall provide the submitter a notice of the acceptance, identifying the submission, a receipt for fees tendered, the filing date, and the specific location where the document is recorded in the official county land records.
- f. For any rejection made by clerk, the clerk shall provide the submitter with notice of the rejection, identifying the submission, and an enumeration of the reason(s) for rejection.
- g. The clerk shall employ a recording system to receive and process electronic submissions that has been certified by the Authority.
- h. A clerk is not required by these rules to authenticate any electronic signature embedded within the body of the document, including signature authenticity of any party, notary, or witness.

Rule 8. Maps and Plats

- a. All plats submitted to a clerk shall be an electronic document prepared in conformance with O.C.G.A. §15-6-67.
- b. Any plat presented to a clerk shall be presented electronically via the GSCCCA eFiling Portal in conformance with these rules.
- c. For plats, any provision of this Rule 8. shall prevail over any conflicting provision of the technical specifications found in Appendix “B”.
- d. The GSCCCA eFiling Portal may provide tools for convenience to allow a submitter to present a plat in alternative file formats, resolutions, compressions, or color depths and provide for generation by the submitter of a final plat for transmittal to a clerk. Such tools shall be executed exclusively at the affirmative direction of and under the control of the submitter. Submitter shall ensure that the final image submitted shall be of sufficient quality for recordation.
- e. Any plat images transmitted to a clerk must be digitized/rasterize at a resolution at 300dpi.
- f. Any plat images transmitted to a clerk must be in the TIFF document file format.
- g. Any plat images transmitted to a clerk must be one-bit color (black and white).

- h. Any plat images transmitted to a clerk must be compressed using TIFF CCITT G4 compression.
- i. Each page of the plat transmitted to a clerk shall be a discrete single page tiff.

Appendix “A” Statutory Self-Filer Definition

O.C.G.A. §44-2-2.

(a) As used in this Code section, the term 'self-filer' means any person who is a party to an instrument listed in paragraph (1) of subsection (b) of this Code section who is not:

- (1) An insurance agent or a representative of an insurance agency licensed to sell title insurance in this state;
- (2) An attorney licensed to practice law in this state or a representative of an attorney licensed to practice law in this state;
- (3) Licensed under Chapter 40 of Title 43;
- (4) An agent of a bank or credit union with federal deposit insurance or an affiliate thereof;
- (5) An agent of a licensed or exempt mortgage lender pursuant to Article 13 of Chapter 1 of Title 7;
- (6) An agent of a servicer as such term is defined in 12 C.F.R. Section 1024.2;
- (7) A public official or employee of a federal, state, or local government or a department, agency, board, commission, or authority thereof performing their official duties; or
- (8) A professional land surveyor licensed under Chapter 15 of Title 43 and in good standing with the Georgia Professional Engineers and Land Surveyors Board.

Appendix “B” Technical Specifications

Georgia Real Estate Electronic Recording Technical Specifications

(a) General Requirements

- 1) Internet access is required for all interactions with the GSCCCA eFiling Portal.
- 2) All transmissions must use HTTPS (Hypertext Transfer Protocol Secure) and TLS version 1.2 or higher to ensure data integrity and confidentiality.
- 3) Browser Compatibility: All web browser interactions with the GSCCCA eFiling Portal must use the latest versions of Google Chrome, Mozilla Firefox, Microsoft Edge, or Safari.
- 4) Documents submitted for filing must be in an electronic format. Paper documents can be submitted electronically after being digitized through a scanning process providing the electronic representation of the document is compliant with these technical specifications.

(b) Allowed Document Formats

- 1) GSCCCA eFiling Portal Website
 - i) Image Type: The GSCCCA eFiling Portal requires the submission of electronic documents in either PDF or TIFF format.
 - ii) Multipage TIFFs: The GSCCCA eFiling Portal allows multipage TIFF images.
 - iii) Resolution: The GSCCCA eFiling Portal does not enforce a minimum resolution (DPI) except for plat TIFF images, which must be transmitted at a resolution of 300 DPI or higher.

- iv) Compression: The GSCCCA eFiling Portal does not enforce a specific compression requirement except for plat TIFF images, which must use either CCITT3 (Group 3), CCITT4 (Group 4), LZW, or RLE compression.
- v) File Size: The maximum file size for any document submission to the GSCCCA eFiling Portal is 20 MB. If a PDF is uploaded, it is converted to a TIFF and verified that the converted file size is less than 20 MB.

2) Application Programming Interface (API)

- i) Image Type: The GSCCCA eFiling Portal API requires the submission of electronic documents in TIFF format.
- ii) Multipage TIFFs: The GSCCCA eFiling Portal API allows for single and multipage TIFF images for deed and lien documents. For plats only discrete, single-page TIFFs are allowed.
- iii) Resolution: The GSCCCA eFiling Portal API does not enforce a minimum resolution (DPI) except for plat TIFF images, which must be transmitted at a resolution of 300 DPI.
- iv) Compression: The GSCCCA eFiling Portal API does not enforce a specific compression requirement except for plat TIFF images, which must use CCITT4 (Group 4) compression.
- v) File Size: The maximum file size for any document submission to the GSCCCA eFiling Portal is 20 MB.

(c) GSCCCA eFiling Portal Transmissions to Counties

- 1) The GSCCCA eFiling Portal accepts documents from filers according to the specifications above but may convert the digital image to other formats when transmitting to the Clerk's office to ensure compliance with Property Records Industry Association (PRIA) standards. These actions are performed by the GSCCCA eFiling Portal without additional user interaction but are documented here for completeness.

- i) Image Type: When sending to the county for recording, the GSCCCA eFiling Portal converts all documents to the TIFF format.
 - ii) Multipage TIFFs: When sending to the county for recording, the GSCCCA eFiling Portal does not alter multipage TIFF images except for plat document types. For a multi-page TIFF of a PLAT, the GSCCCA eFiling Portal will automatically transmit each page of the document as a discrete single-page TIFF.
 - iii) Resolution: When sending to the county for recording, the GSCCCA eFiling Portal converts all PDFs to 300 DPI TIFF images. Deed and lien TIFF images are not altered when sent to the county and will retain the original DPI. Plat TIFF images are converted to 300 DPI.
 - iv) Compression: When sending to the county for recording, the GSCCCA eFiling Portal does not alter deed and lien TIFF image compressions. Plat TIFF images and PDFs are converted to CCITT4 (Group 4) compressed TIFFs.
 - v) Bit Depth: When sending to the county for recording, the GSCCCA eFiling Portal does not alter the bit depth except for plat document types. Plat TIFF images sent to the county are sent with a bit depth of one-bit color (black and white).
- 2) For API submitters, all documents are passed through as received without modification; however, API submitters must adhere to the PRIA XML data standard.
- (d) PRIA XML Data Standard: All electronic document submissions must adhere to the PRIA XML data standard. This ensures uniformity and compatibility in the electronic transmission of real estate documents.
 - (e) Technical Specifications and Guides: All vendors and filers must adhere to the detailed technical specifications and guides on the GSCCCA eFiling Portal. These documents provide comprehensive instructions on interacting with the GSCCCA APIs and portal, ensuring compliance with the rules and facilitating smooth electronic document submission.
 - (f) GSCCCA eFiling Portal Account Security
 - 1) Authentication: All users of the system must log in using a GSCCCA eFiling Portal account.

- 2) Password Requirements: Passwords must be 6 to 40 characters long and contain at least one lower-case character, at least one upper-case character, and at least one digit or one special character.
- (g) Identity Verification: Filers who submit documents must have an account in the system that has passed identity verification. A third-party service may complete this verification, ensuring that each party involved in an electronic transaction is positively identified.
- (h) eFile System Certification
- 1) Any computer systems used by Clerks or their agents for electronically communicating deed, lien, and plat eFilings with the GSCCCA eFiling Portal must obtain certification from the GSCCCA before being authorized for electronic document submission. Certification includes initial testing, periodic reviews, and potential recertification.
 - 2) Detailed information for eFile System Certification can be found in the GSCCCA System Certification Program guide on the GSCCCA website, <https://www.gsccca.org>.
- (i) Application Programming Interface (API)
- 1) The GSCCCA eFiling Portal includes an Application Programming Interface (API) for use by certain users to automate the submission and processing of documents through the GSCCCA eFiling Portal.
 - 2) Access to the eFiling portal API is limited to certain service providers, for certain purposes, and must be granted by the GSCCCA.
 - 3) Any computer system other than those used by Clerks or their agents for electronically communicating with the GSCCCA eFiling Portal APIs must undergo pre-submission testing to ensure compliance with technical specifications and demonstrate proper functionality.
- (j) Data Audit
- 1) Audit Trail: Each submission by a submitter must generate an audit trail. The audit trail must include, at a minimum, all submitted content at the point of transmission to a Clerk,

dates and times of transmissions and receipts, and details of amounts and sources for filing fees for recordation.

- 2) The GSCCCA eFiling Portal generates and maintains an additional audit trail that is sufficient to satisfy a submitter's audit requirements. Access to submitter activity and audited events are available through the eFiling Dashboard, Notification Center, and internal message logs.

(k) Non-Repudiation

- 1) Evidence of Receipt: The GSCCCA eFiling Portal provides evidence that document submissions were successfully received for filing through website notifications, email, and the filing dashboard. If such evidence is not provided, the document should be assumed to have NOT been received.
 - 2) Recording Confirmation: The GSCCCA eFiling Portal provides demonstrable evidence that the Clerk's actions to record a document electronically were completed successfully (or not). It does this by providing auditable receipt/recognition of all electronic functions involved with the recording process.
- (l) Confidentiality and Privacy: Any system involved with an electronic recording submission must protect information from being accessed or disclosed by unauthorized parties during the filing process. This includes protecting personal privacy and proprietary information as it moves through and/or is stored by a recording system. Strong authentication schemes and encryption must be used to ensure confidentiality.

Appendix “C” Prior Rules – Superseded Version

Version 2016-10-11 . Effective January 1, 2017.

REAL ESTATE ELECTRONIC RECORDING RULES FOR THE STATE OF GEORGIA

TO fulfill the Georgia General Assembly’s directive to establish rules for eRecording of land instruments,

TO ensure that eRecording of land instruments results in reliable, authentic, adequately preserved records, and

TO provide clear requirements for Clerks in the process of eRecording,

The Georgia Superior Court Clerks’ Cooperative Authority establishes these Rules.

1. **THE PROCESS** ³

The process of eRecording of instruments is designed to closely mirror the recording of paper instruments.

Documents that are to be eRecorded land instruments are created by converting either ink-signed, paper-based original Documents, paper-based Authenticated Records, or Electronic Data Records into Electronic Documents. These Rules define those entities authorized to create such Electronic Documents as: Trusted Users, Submitters and Self-Fileers (the latter of which is intended for those who file Documents just on their own behalf).

Submitters and Trusted Users may (in most circumstances) transmit Electronic Documents directly to a Clerk Portal, or to other Submitters or Trusted Users, as their business practices dictate, for eventual Submission to a Clerk Portal for recording.

Self-Fileers are authorized by these Rules to only create Electronic Documents from Plats, or that to which they themselves are a party.

The entity that finally submits an Electronic Document to a Clerk Portal is defined herein as the “Final Submitter” of that Electronic Document. There will always be one Final Submitter for each Electronic Document.

The following table summarizes the functions authorized by these Rules that the various Participants defined herein can perform on Electronic Documents:

Participant (as defined herein)	Can only Create From:	Can Transmit / Forward when Received From	Can Transmit / Forward (only) to:
--	----------------------------------	--	--

¹ OCGA §44-2-39(a)

² OCGA §44-2-38(1)

³ Comment –The capitalized terms are defined in Section 2

		(only):	
Trusted User **	Ink-signed, paper-based <u>originals</u> Paper-based Authenticated Records Their own Electronic Data Records, or those of other Trusted Users	Trusted Users Submitters Self-Filers	Trusted Users Submitters Self-Filers Clerks
Submitter **	Electronic Data Records from Trusted Users	Trusted Users Submitters Self-Filers	Trusted Users Submitters Self-Filers Clerks
Self-Filer *	Ink-signed, paper-based <u>originals</u> Paper-based Authenticated Records	Trusted Users Submitters Self-Filers	Trusted Users Submitters Self-Filers Clerks

* Self-Filers must be a party to the document unless the Electronic Document is a Plat. Self-Filer assumes full responsibility for the content of the Electronic Document and compliance with the Technical Specifications herein. The source of Electronic Documents filed by Self-Filers is not governed by these Rules.

** If a Trusted User or Submitter is a party to an Electronic Document, then they are allowed the functions to create Electronic Documents like a Self-Filer as long as they are also the Final Submitter of any such Electronic Document that were not originated from a Trusted User.

Central to the eRecording process is the Clerk who performs the recording functions, but in regard to eRecording, with the exception of Plats, it is the Clerk's option to accept Documents in Electronic format. The Clerk examines the Electronic Document to verify that it is a recordable instrument under Georgia Law. If recordable, the Clerk sends an Acceptance message and a receipt to the Final Submitter for delivery to the Participant who originated the Electronic Document. The Clerk then processes and indexes the Electronic Document as it would a paper-based Document under Georgia law.

2. **DEFINITIONS**

- a) "Acceptance" or "Accepted" or "Accepts" means declaration by a Clerk that a Submission shall be filed and recorded in the official land records of the Clerk.
- b) "Authenticated Record" means information authenticated or certified by a custodian that establishes a legal right, and is presented in a format authorized by Georgia Law for recording with a Clerk. (This term is used to differentiate Documents that are neither ink-signed, originals, nor Electronic Data Records.)

- c) "Authority" means the Georgia Superior Court Clerks' Cooperative Authority.
- d) "Clerk" means a Clerk of Superior Court in the State of Georgia.
- e) "Document" means information that is: i) inscribed on a tangible medium or that is stored in an Electronic or paper medium and is retrievable in perceivable form; and ii) intended to be recorded in the official land records of a Clerk.
- f) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
- g) "Electronic Data Record" means Electronic data that is the source of Electronic Documents where there is no paper-based, original Document.
- h) "Electronic Document" means a Document in Electronic form that either has, or is intended to be, Submitted to a Clerk for filing in the official county land records.
- i) "Filing Date" means the date and time of a Submission that is subsequently Accepted⁴.
- j) "Final Submitter" means a Participant who Submits a particular Electronic Document to a Clerk's Portal. The Final Submitter can be a Trusted User, a Submitter, or a Self-Filer. (An Electronic Document may be transmitted between certain, multiple, Participants, as allowed herein, but there is only one Final Submitter for each Submission.)
- k) "Legal Entity" means an association, corporation, partnership, proprietorship, trust, government unit or individual that has legal standing in the eyes of law. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.
- l) "Participant" means a Trusted User, Submitter, or Self-Filer; the entities authorized by these Rules to originate, create or transmit Electronic Documents to other Participants and to a Clerk's Portal, as dictated by these Rules.
- m) "ParticipantID" means the unique identification number or value assigned to each Participant by the Authority and maintained in the Registry.
- n) "Plat" means a map or plat as defined in O.C.G.A. 15-6-67.
- o) "Portal" means the system implemented or designated by the Clerk to interface with Participants for the receipt, filing, and recording of Electronic Documents into the official land records of the Clerk.
- p) "Registry" means the official list of Participants and their associated contact information and ParticipantID as maintained by the Authority.
- q) "Rejection or Rejected" means declaration by a Clerk that a Submission shall NOT be filed or recorded in the official land records of the Clerk.

⁴This value is intended to be used to fulfill legal requirements for reporting filing date and time in official land records.

r) "Self-Filer" means a Participant who is allowed (by these Rules) to create Electronic Documents from sources defined in paragraph 3.c; and may forward Electronic Documents (created by themselves or received from other Participants) to other Participants, or Submit them directly to a Clerk; but is restricted by only being allowed to perform such operations on Electronic Documents if they themselves are a party to the document, or if the Electronic Document is a Plat.

s) "Rules" shall mean these Real Estate Electronic Recording Rules for the State of Georgia, as amended from time to time.

t) "Submission" or "Submit" means the successful receipt by a Clerk (or their designated Portal or agent) of an Electronic Document from a Participant.

u) "Submission Time" means the date and time that a Submission is completed; as recorded by the Clerk's Portal.

v) "Submitter" means a Participant who is allowed (by these Rules) to forward Electronic Documents which originate from Trusted Users or other Submitters or Self Filers for Plats, to or toward a Portal. Submitters may also create Electronic Documents from Electronic Data Records from Trusted Users. (A Submitter may also inherit the allowed functions and restrictions of a Self-Filer for Electronic Documents that they themselves are a party to and for Plats.)

w) "Technical Specifications" means the specifications in Appendix "A," and are intended to specify (among other things) the allowed format, levels of recording supported, transmission protocols, and security requirements of the electronic records required by these Rules.

x) "Trusted User" means a Participant who is allowed (by these Rules) to create Electronic Documents from sources defined in paragraph 3.c; and may forward Electronic Documents (created by themselves or received from other Participants) to other Participants or Submit them directly to a Clerk. "

3. **GENERAL**

The following rules apply to the process of eRecording:

a) Voluntary. With the exception of Plats, eRecording is a recording process that is voluntary for both Clerks and public filers, and is an additional recording process to paper-based recording.

b) Participants. Only Trusted Users, Submitters, and Self-Filers can create and/or Submit Electronic Documents as described and restricted per these Rules. All Participants are required to be a Legal Entity and to obtain a ParticipantID from the Authority and be included in the Registry. At a minimum, Participants must meet the following qualifications:

Trusted Users must be either:

- i) a Georgia licensed title insurance agent or agency,
- ii) a Georgia licensed attorney at law,
- iii) a federal or state chartered bank or other financial institution (as determined by the Authority),
- iv) a servicer of federally related mortgages as defined in 24 CFR §3500.2, or
- v) a Federal, state, county or local government or a department and/or agency thereof, or
- vi) a Land Surveyor with a Land Surveyor license in good standing with the "Georgia Board of Professional Engineers and Land Surveyors".

Submitters must be verified and approved by the Authority.

Self Filers must be verified and approved by the Authority AND with the exception for Plats, are required to be a party to any Electronic Document they create or Submit. The source of Electronic Documents filed by Self-Filers is not governed by these Rules.

In addition, except for documents legislatively mandated to be electronically filed, individual Clerks have sole discretion as to which Participants from whom they choose to Accept Submissions. Clerks may only accept Submissions from Participants in good standing on the Authority Participant Registry. The Authority may revoke such good standing status of any Participant in the Registry, or require Participants to perform additional steps to maintain good standing status such as, but not limited to, the agreement to updated terms, or periodic expiration and renewals.

A person or entity is not allowed to have multiple ParticipantIDs, nor is a Participant allowed to be more than one Participant type (Self-Filer, Trusted User, or Submitter).

- c) Recordable Electronic Documents. At this current time, and until further rules are developed, the only Electronic Documents that may be filed with Clerks must be either:
- i) Scanned images of ink-signed, paper-based originals,
 - ii) Scanned images of paper-based Authenticated Records, or,
 - iii) Electronic Data Records that have been converted into image representations of simulated paper/paged Documents (as determined and allowed by the Authority).

All eRecorded Maps and Plats are to be prepared in conformance with OCGA §15-6-67.

- d) Representative. All Participants shall have one individual for the purposes of communication, problem resolution and other matters. For human Participants, the Representative shall be the Participant his/herself. Non-human Participants shall appoint a Representative who can legally represent the Participant. All Participants shall designate one official street address, telephone number and email address of the Representative for the purposes of official notices. This information is required to be kept current by each Participant in the Authority Registry and as such, available to all Clerks.
- e) Support. Each Participant shall operate and maintain at its cost its own eRecording hardware and software.
- f) Security. Each Participant shall ensure that all security measures and credentials implemented are protected and not disclosed. Each Participant shall immediately notify other Participants and Clerks of any adverse incident affecting the security of Electronic Documents that they received from or transmitted to.
- g) Records. Each Participant shall maintain a record audit trail of all activity, available to other Participants who originated, created, or received an Electronic Document, at their request, to resolve issues or investigate potential fraudulent activity. The record audit trail must contain at least the following: identification of the Participants, submitted content at point of receipt from source, submitted content at point of transmission to another Participant or Clerk, dates and times of receipts and transmissions, and amounts for any filing fees paid to Clerks. Each Participant shall make its records regarding Submissions available at no cost to the Clerk or Authority.

- h) Hold Harmless. All Participants shall hold the Authority and all Clerks harmless from any and all liability in connection with these Rules or eRecording.
- i) Other Laws. These Rules do not change or diminish existing laws. All parties shall comply with all other applicable federal, state and local laws.
- j) Technical Specifications. All Participants and Clerks shall comply with the technical standards outlined in Appendix "A," which constitute the Technical Specifications, as amended from time to time.
- k) Governance. All agreements made regarding electronic recording of county land records in Georgia will be governed by Georgia Law and subject to these Rules, which may be changed from time to time with or without notice.
- l) Agreement. Participants shall be required to agree to the terms identified in Appendix "B" (as may change from time to time) upon application of for a ParticipantID.
- m) Technical Requirements. Participants will transmit Electronic Documents to other Participants or Clerks in compliance with the Technical Specifications.
- n) Payment. Final Submitter will pay all recording fees, transfer taxes and/or intangible taxes as may be ultimately required by the Clerk to Accept a Submission.
- o) Participant Identification. Upon approval by the Authority, Participants will be assigned a ParticipantID by the Authority which shall be included in all Submissions of Electronic Documents that a Participant has either originated, created, forwarded to other Participants or Submitted to a Clerk. ParticipantIDs shall be recorded by the Clerk on all Electronic Documents Accepted by the Clerk.

4. **THE AUTHORITY**

- a) Portal Services. The Authority may, but is not required to, operate an electronic Portal service for use by Clerks in the State of Georgia. In regard to Plats, the Authority is required to operate an electronic Portal service for use by Clerks in the State of Georgia.
- b) Assignment of ParticipantIDs. The Authority, and only the Authority or its agent, shall assign one and only one ParticipantID (a unique single identifier) to each Participant, and each Participant must be a Legal Entity. Once a ParticipantID has been assigned it can never be assigned to another entity. Only Trusted Users, Self-Fileers, and Submitters with an Authority issued ParticipantID in good standing may Participate in eRecording of land records.
- c) Registry. The Authority will maintain and make available a Registry containing names, ParticipantIDs, addresses, phone numbers and email addresses of approved Participants.
- d) Verification. The Authority shall verify eligibility and identity of applicants to become Participants in eRecording.

5. **CLERKS**

- a) Clerks may only Accept Submissions containing Electronic Documents that were:
- i. Submitted to them by Trusted Users, Submitters, and Self-Filers (if the Self-Filer is a party to the Document or if the Document is a Plat) who are in good standing in the Authority Registry, with an assigned ParticipantID.
 - ii. Identified to have been originated by a Trusted User (or by a Self-Filer or Submitter if they are a party to the document, or the Document is a Plat) who is in good standing in the Authority Registry, with an assigned ParticipantID.
 - iii. Identified to have been transmitted only to (through) Participants who are in good standing in the Authority Registry, with an assigned ParticipantID.

Accordingly, if a Participant is a Self-Filer, the Clerk must confirm that the Self-Filer is a party to the Electronic Document, unless the Electronic Document is a Plat.

Good standing status with the Authority Registry must be verified by the Authority, upon request by the Clerk (via method determined by the Authority), of each Participant identified to have been associated with an Electronic Document. To account for changes in a Participant's good standing status, such request from the Clerk, and verification by the Authority, must be made between the Submission Time of the Electronic Document, and any Acceptance of it by the Clerk. Clerk shall not Accept an Electronic Document if they are made aware that any Participant associated with it fails to have such good standing status.

The identification of Participants associated with an Electronic Document is to be done in accordance with specifications determined by the Clerk (or their Portal). But in all cases, the Clerk (or their Portal) specifications must allow for the identification of all Participants that have received or transmitted the Electronic Document, and the order or path of the Electronic Document as transmitted among the Participants.

- b) Identification. The Clerk shall employ a "filed" stamp or marking to be electronically placed on each recorded Electronic Document containing the ParticipantID of the Final Submitter of the Electronic Document and the ParticipantID of every Participant identified in the Submission to have originated or created the Electronic Document, or forwarded it to another Participant.
- c) Notice. For each Acceptance made by Clerk, the Clerk shall promptly provide the Final Submitter of each Electronic Document with (at a minimum): notice of the Acceptance, identification of the Submission, a receipt for monies paid, the Filing Date, and the specific location where the Electronic Document is recorded in the official county land records (typically a docket, book, and page.)

For each Rejection made by Clerk, the Clerk shall promptly provide the Final Submitter with (at a minimum): notice of the Rejection, identification of the Submission, and an enumeration of the reasons for such Rejection.

Such notice may be performed via the Clerk's Portal.

- d) Processing Submissions.
- i. For every Submission, the Clerk shall be responsible for performing either an Acceptance or Rejection, unless the Final Submitter has revoked their Submission before any such Acceptance or Rejection via a method provided for and approved by the Clerk. The Clerk shall assure that all Accepted Electronic Documents are filed and recorded in, and shall be considered part of, the official land records of the county of the Clerk.
 - ii. As with recorded paper-based Documents, Electronic Documents shall be merged and accounted for in the "valid date range" or "good through date" of the Clerk's official records and indexes based on their Filing Date. As such, a Clerk may not publically specify a "good from / good through date" range for their official records until all Submissions transmitted to the Clerk in that time period are Accepted or Rejected, and the Acceptances included in the records.
 - iii. Clerks shall be required to index paper and Electronic documents in accordance with the Authority's "Indexing Standards for Real and Personal Property Records for the State of Georgia", and for transmitting paper and Electronic Documents and index data to the Authority for participation in the state-wide uniform automated information system for real and personal property records per OCGA § 15-6-61(15). The Clerk shall be responsible for transmitting such Electronic Documents in the form and specifications specified by the Authority.
 - iv. Clerks shall have the same requirement to protect and preserve any and all Electronic Documents as may exist for paper-based records.
- e) Fees. The Clerk will charge for eRecording the applicable recording fees and taxes that are provided by Georgia law to record such instruments and will provide a means for such fees and taxes to be paid electronically.
- f) System. The Clerk shall use an Electronic Recording System and Portal to receive and process Submissions that together have the following capabilities:
- i. Uniquely identify (for tracking purposes) every Submission, and record the Submission Time of every Submission (for future use as the Filing Date if the Submission is subsequently Accepted.)
 - ii. Identify the Participants associated with every Submission.
 - iii. Mark electronically each Electronic Document in an accepted Submission with the following information: Filing Date, ParticipantID of the Final Submitter, the ParticipantID of all other Participants of the Electronic Document, Recording Fees paid, location of the Electronic Document as recorded in the official county records (typically a docket, book, and page), Clerk's Name, and County Name.
 - iv. Clearly indicate to the Final Submitter (before they initiate the Submission process) that the contents of any Submission are irrevocably subject to being filed and recorded as public record in the official land records of the county of the Clerk.

- v. Provide notice to the Final Submitter of the receipt, Acceptance, and Rejection of each of their Submissions. Such notice is to uniquely identify the Submission and its Submission Time.
- vi. Provide Final Submitters a method to associate Submissions that have not yet been Accepted or Rejected into a group or package; and ensure that the Rejection of any Submission within a group results in the automatic Rejection of all Submissions of the group⁵.
- g) Other Agreements. The Clerk may enter into any agreement not in conflict with these Rules with third parties which provide services related to the processing of Submissions.
- h) Portal Selection. The Clerk must use the Portal provided by the Authority for Plats and may choose to use additional Portal(s) for Plats. The Clerk may choose the Portal provided by the Authority and/or other Portal(s) for other types of documents. With the exception of the Authority Portal to be used for Plats, any Portal must comply with all the requirements of these Rules. The entity providing Portal services may charge reasonable fees associated with its use.

6. **SUBMITTERS**

- a) Required Verification. The Submitter shall not forward any Submission from another Participant without first verifying the ParticipantID of the source.
- b) Communications. The Submitter shall forward to the Participant from whom it has received an Electronic Document, all communications it receives from the Clerk regarding the Submission of that Electronic Document.
- c) Other. Submitter shall abide by other requirements specified of Submitters in these Rules.

7. **TRUSTED USERS**

- a) Trusted User. The fidelity of the Trusted User is essential to maintaining the integrity of the land records kept under the care of the Clerk. With the exception of Plats, only original ink-signed, paper-based Documents, Authenticated Records, or Electronic Data Records in the custody of a Trusted User, shall be used to create Electronic Documents. The Trusted User shall be diligent to ensure that ink-signed, paper-based Documents, Authenticated Records or Electronic Data Records offered to be included in Submissions have been checked for errors, omissions, scanning defects, illegible areas, and other deficiencies that would affect the Clerk's ability to record such Documents and the public notice to be created thereby.
- b) Marking Filing Information. Upon receipt of notification of the Clerk's Acceptance of an Electronic Document created or originated by a Trusted User, the Trusted User shall mark the filing information on the original paper Document or incorporate it into its Electronic Data Record (as the case may be) used to originate the Electronic Document.

⁵ Comment. This requirement is intended to help prevent situations where an instrument is Accepted while a related instrument(s) on which it depends is rejected – such as the warranty deed and security deed of a single 'closing package', or the assignment and cancellation of the same security deed.

Such entering or incorporating should be done with the intent of making the filing information a permanent part of the paper-based original Document or Electronic Data Record.

The filing information is to clearly identify the county of recording, the location of the recorded Document within Clerk's records (typically the docket, book and page) and the Filed Date.

- c) Re-recording. In the event an Electronic Document that was created from a paper original is re-recorded because of error or omission, the re-recorded Electronic Document must be re-created from the paper original previously recorded in accordance with Georgia law.
- d) Communications. If a Trusted User has received an Electronic Document from another Participant, the Trusted User shall forward to the Participant from whom it has received the Electronic Document, all communications it receives from the Clerk regarding the Submission of that Electronic Document.
- e) Other. Trusted User shall abide by other requirements specified of Trusted Users in these Rules.

8. SELF FILERS

- a) Party to Document. Self-Filers may only perform the functions allowed of them per these Rules to Electronic Documents if they themselves are a party to the Electronic Document or if the Electronic Document is a Plat.
- b) Other. Self-Filers shall abide by other requirements specified of Self-Filers in these Rules.

These Rules together with appendices adopted and approved this _____ day of _____, 2016.

Georgia Superior Court Clerks' Cooperative Authority

By : _____
Honorable F Barry Wilkes, Clerk of Superior Court of Liberty County,
Chairman

Attest: _____
John E. Earle, Executive Director, GSCCCA

Appendix “D” Prior Plat Rules – Superseded Version

Electronic Filing Rules for Maps, Plats, Subdivision Plats, Condominium Plats, Condominium Site Plans, Condominium Plot Plans and Condominium Floor Plans

1.

Adoption of Rules

Electronic Plat Filing Rule 1.0

Pursuant to O.C.G.A. § 15-6-67 the Georgia Superior Court Clerks’ Cooperative Authority is authorized to establish and hereby establishes these Rules for the processes of electronically filing for recordation map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan, and condominium floor plan documents in the state of Georgia.

2.

Definitions

Electronic Plat Filing Rule 2.0

The following terms found in these Rules shall have the definitions as provided below:

- (a) “**Authority**” shall mean the Georgia Superior Court Clerks’ Cooperative Authority.
- (b) “**Clerk**” shall mean any one of the superior court clerks in the State of Georgia.
- (c) “**Final Plat Document**” shall mean a Plat Document in tiff format to be transmitted from a Portal to a Clerk.
- (d) “**Plat Document**” shall mean any map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan or condominium floor plan documents presented for filing to a clerk of superior court in the state of Georgia.
- (e) “**Portal**” means a computer software program or service implemented by the Authority or designated by a clerk of superior court to interface to a filing party for the filing of electronic Plat Documents.
- (f) “**Public Filing Terminal**” shall mean a computer in the office of a superior court clerk which provides public filer access to the Authority’s Portal for the purpose of filing a Plat Document pursuant O.C.G.A. § 15-6-67.
- (g) “**URPERA**” shall mean the *Uniform Real Property Electronic Recording Act* O.C.G.A. § 44-2-35 et seq.

- (h) "URPERA Rules" shall mean the Rules (Standards) adopted by the Georgia Superior Court Clerks' Cooperative Authority pursuant to the *Uniform Real Property Electronic Recording Act* (URPERA).

3.

Applicability

Electronic Plat Filing Rule 3.0

Plat Documents presented to be filed with a Clerk shall be presented to the Clerk electronically and in conformance with these Rules and Regulations.

4.

**Compliance with Uniform Real Property Electronic Recording Act
Rules and Regulations**

Background

- (a) O.C.G.A. § 44-2-39 of URPERA directs that the Authority shall adopt rules and regulations which provide for filing electronic real estate documents with a Clerk.
- (b) The Authority has adopted Rules pursuant to URPERA.
- (c) The URPERA Rules relate to any electronic filing of a real estate document and provide the framework for electronic filing of real estate documents in the state of Georgia. The following is a partial list of concepts that are contained in URPERA Rules which are particularly relevant for electronic filing of Plat Documents. This list is not comprehensive but only illustrative of the type of content included in the URPERA Rules.
- a) Overall electronic filing process
 - b) Relevant definitions
 - c) Participation requirements, roles, responsibilities, and agreements
 - d) Filing times, signatures, and originality of documents
 - e) General technical specifications, transmission standards, and non-repudiation
- (d) Plat Documents are real estate documents for the purposes of electronic filing with a Clerk. Such documents are therefore subject to the statewide URPERA Rules.
- (e) Electronic filing pursuant to URPERA is optional for most real estate document types. Electronic filing is the only method of filing for Plat Documents effective January 1, 2017.
- (f) All URPERA Rules are applicable to all Plat Documents intended to be filed with a Clerk.

Electronic Plat Filing Rule 4.0

Plat Documents shall be submitted for filing exclusively using electronic means.

Electronic Plat Filing Rule 4.1

Plat Documents shall be submitted for filing in electronic format in compliance with the URPERA Rules unless a URPERA Rule is in conflict with one of these Rules. In the case of any conflict in a rule regarding Plat Documents, the applicable rule or rules within these Rules shall control.

Electronic Plat Filing Rule 4.2

The entire text of the URPERA Rules is incorporated by reference as part of these Rules.

5.

Electronic Filing Portals

Electronic Plat Filing Rule 5.0 – Authority Portal

The Authority will provide a Portal to serve as a filing conduit for Plat Documents in all counties in Georgia.

Electronic Plat Filing Rule 5.1 – Alternative Portals

A Clerk may choose to provide a separate alternative Portal for Plat Documents in addition to the Portal provided by the Authority. Any additional Portal shall comply with all URPERA Rules and these Rules.

Electronic Plat Filing Rule 5.2 – Portal Functionality – Transmission to Clerks

All Portals shall provide for the transmission of Final Plat Documents to a Clerk in conformance with Rules 6.0, 6.1, 6.2, 6.3 and 6.4 below.

Electronic Plat Filing Rule 5.3 – Portal Functionality – Filer Tools

A Portal may provide functional tools for convenience so as to allow a filer to submit a Plat Document to the Portal in alternative file formats, resolutions, compressions or color depths and thereafter providing for generation by the filer of a Final Plat Document conforming to Rules 6.0, 6.1, 6.2, 6.3 and 6.4 for transmittal to a Clerk. Any such tool shall be executed exclusively at the affirmative direction of and under the control of the filer.

Electronic Plat Filing Rule 5.4 – Portal Functionality – Filer Approval

Any Final Plat Document generated by a filer using any tool referred to in Rule 5.3 shall be transmitted to a Clerk only after the filer has reviewed and affirmatively approved the Final Plat Document to be transmitted.

Electronic Plat Filing Rule 5.5 – Public Filing Terminal

Any Plat Document submitted for filing using a Public Filing Terminal shall be transmitted to the Clerk exclusively via the Authority Portal as specified in Rule 5.0. The Clerk shall receive any such Final Plat Document submitted through a Public Filing Terminal and accept same for filing conditioned upon the document being otherwise recordable and accompanied by any required fees and taxes.

6.

Electronic Specifications for Plat Documents

Background

The URPERA Rules provide that technical specifications for electronic documents may be established by each individual filing Portal. However, O.C.G.A. § 15-6-67 specifically states that electronic images for Plat Documents presented to a Clerk for filing must comply with rules and regulations promulgated by the Authority.

Commentary

Portals will not have the ability to establish independent specifications for Final Plat Documents transmitted to a Clerk. However, a Portal may establish independent specifications covering the format of files that are submitted to the Portal from the filer. As the Authority is the entity responsible for various legislatively mandated programs pertaining to real estate imaging and associated specifications, it is prudent to specifically limit the scope of applicable rules and standards as to avoid confusion among distinct programs. For the specific purposes of satisfying the requirements of O.C.G.A. § 15-6-67 as it relates to the presentation, transmission and delivery to a Clerk, all Final Plat Documents must comply with the following specifications.

Electronic Plat Filing Rule 6.0 - Resolution

All Final Plat Document images transmitted to a Clerk must be digitized/rasterize at a resolution at 300dpi.

Electronic Plat Filing Rule 6.1 – File Format

All Final Plat Document images transmitted to a Clerk must be in the TIFF document file format.

Electronic Plat Filing Rule 6.2 – Color Depth

All Final Plat Document images transmitted to a Clerk must be one-bit color (i.e., black and white).

Electronic Plat Filing Rule 6.3 – Compression

All Final Plat Document images transmitted to a Clerk must be compressed using TIFF CCITT G4 compression.

Electronic Plat Filing Rule 6.4 – Pages

Each page of the Final Plat Document transmitted to a Clerk shall be a discrete single page tiff.

Electronic Plat Filing Rule 6.5 – Conflicting Technical Provisions

In the event of any conflict between these Rules and the URPERA Rules relating to file format and technical image specifications for Final Plat Documents transmitted to a Clerk, the provisions of these Rules shall control.

7.

Rule Conflicts

Electronic Plat Filing Rule 7.0

In the event of any conflict between these Rules and the URPERA Rules/Standards relating Plat Documents the provisions of these Rules shall control.

8.

Effective Date

Electronic Plat Filing Rule 8.0

These Rules for Electronic Filing for Maps, Plats, Subdivision Plats, Condominium Plats, Condominium Site Plans, Condominium Plot Plans and Condominium Floor Plans (Plat Documents) shall be effective January 1, 2017. Revised January 9, 2019.



Appendix “E” Prior Rules – Superseded Version 2024-07-10

Version 2024-07-10 Effective January 1, 2025

THE GEORGIA SUPERIOR COURT CLERKS’ COOPERATIVE AUTHORITY
REAL ESTATE ELECTRONIC RECORDING RULES
FOR THE
STATE OF GEORGIA
Version 2024-07-10

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THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY
REAL ESTATE ELECTRONIC RECORDING RULES
FOR THE
STATE OF GEORGIA
Version 2024-07-10

Scope

These revised rules are adopted as authorized and directed by the statutory provisions related to the implementation and governance of all electronic submissions of real estate documents for official recording with clerks of superior court in the State of Georgia with certain exceptions for intra-governmental exchanges.

Legislation passed in the 2024 session of the Georgia General Assembly and signed by the Governor substantially impacts the requirements for electronic submission of real estate documents for recordation by requiring individual government issued identification processes as well as other matters related to mandatory electronic filing requirements for certain persons. The effective date for that legislation is January 1, 2025.

These revised rules provide for implementation of those new legislative requirements which are expected to produce the following results:

- Increased level of protection from fraud for Georgia residents and commerce through validation of filer government issued identification documents.
- Providing greater compatibility with standards and practices of other jurisdictions nationally.
- Simplification and decreased complexity of the electronic recording process in Georgia
- Continuation of the incorporation of compliance with the most recent standards of the Property Records Industry Association, a nationally recognized standards setting body for electronic real property recording.

Section 1. Authority for Adoption

Statutory authorities for the promulgation of these rules by the Georgia Superior Court Clerks' Cooperative Authority are found at:

- a. Georgia General Assembly 2024 HB 1292, 2024 Act 529, amending O.C.G.A. § 44-2-39, relating to identification requirements for individuals submitting real property documents for recording using electronic means.
- b. The "Uniform Real Property Electronic Recording Act." O.C.G.A. § 44-2-35 et seq, relating to recording real estate documents using electronic means.
- c. O.C.G.A. § 44-2-39, relating to the adoption of rules and regulations to implement the Uniform Real Property Electronic Recording Act.
- d. O.C.G.A. § 15-6-67 relating to rules for the processes of electronically filing for recordation any map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan, and condominium floor plan documents in the state of Georgia.

Section 2. Versions History and Incorporation

- a. The *Real Estate Electronic Recording Rules for the State of Georgia*, Version 2016-10-11, effective January 1, 2017, is found as Appendix "C" herein.
 1. This revised version, 2024-07-10, completely supersedes and replaces such previous version.
- b. The *Electronic Filing Rules for Maps, Plats, Subdivision Plats, Condominium Plats, Condominium Site Plans, Condominium Plot Plans and Condominium Floor Plans*, as revised January 9, 2019, is found as Appendix "D" herein.
 1. This version, 2024-07-10, completely supersedes incorporates and replaces such previous version.

Section 3. Adoption Date

These rules are adopted by official action of the Georgia Superior Court Clerks' Cooperative Authority Board of Directors at the meeting held on July 10, 2024.

Section 4. Effective Date

These revised rules become effective on January 1, 2025.

Section 5. Singular Includes the Plural, Gender References, Capitalization

When required by context, a singular term shall include the plural, and the plural shall include the singular. The use of any gender, be it masculine, feminine, or other, shall include all genders. Defined terms may or may not be capitalized, depending on context.

Section 6. Office and Contacts

The office and mailing address of the adopting entity is:

Georgia Superior Court Clerks' Cooperative Authority
1875 Century Boulevard, Suite 100
Atlanta, GA 30345

Contact information:

Email: efile@gsccca.org

Telephone: (404) 327-9058

Section 7. Definitions

Defined terms within these rules shall be as follows. Defined terms need not, and may or may not, be capitalized depending on context.

- a. **Applicant** means a human individual who seeks to become an authorized submitter on the GSCCCA eFiling Portal.

- b. **Authority or GSCCCA** means the Georgia Superior Court Clerks' Cooperative Authority established pursuant to O.C.G.A. §15-6-94.
- c. **Clerk** means any clerk of superior court in the State of Georgia.
- d. **Document** means information that is:
 - 1. Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
 - 2. Eligible to be recorded in the land or lien records maintained by the clerk of superior court.
- e. **GSCCCA eFiling Portal** means the website, programs, and utilities created and maintained by the Authority that facilitates the transmission of electronic documents for recording with clerks of superior court in the State of Georgia. <https://efile.gsccca.org>
- f. **O.C.G.A.** shall mean the Official Code of Georgia Annotated.
- g. **Plat** shall mean any document that is a map, plat, subdivision plat, condominium plat, condominium site plan, condominium plot plan or condominium floor plan documents presented for filing with a clerk.
- h. **Self-Filer** means any person who is a party to a deed, mortgage, lien, plat, or state tax execution who is not an exempted person as defined in O.C.G.A. §44-2-2(a) as found in Appendix "A".
- i. **Submitter** means a human individual who has been authorized by the Authority to transmit and present a document to a clerk for recording using the GSCCCA eFiling Portal.
- j. **Technical Specifications** mean the specifications found in Appendix "B," providing for the allowed format, levels of recording supported, transmission protocols, and security requirements of the electronic records required for document transmission via the GSCCCA eFiling Portal.

Section 8. Exclusions

These rules shall not be applicable to:

- a. Intra-county electronic transfers or transmission of data between a clerk and a governmental county officer or county office within the borders of the same county.
- b. Transmission of state tax liens by the Georgia Department of Revenue for recordation by a clerk.

Section 9. Process Description

Georgia's version of the Uniform Real Property Electronic Recording Act was adopted by the legislature during the 2009 session of the General Assembly providing the basis and validity of filing real estate documents with clerks electronically.

The Uniform Real Property Electronic Recording Act (URPERA) provides a legal framework for the electronic recording of real estate documents, making it easier, faster, and more efficient to record and retrieve property records. Overall, electronic real estate filing streamlines the recording process, improves accessibility to property records, and enhances the efficiency of real estate transactions.

Authorized individuals may electronically submit real estate documents for recording. These documents typically include deeds, mortgages, plats and maps, liens, and other property-related instruments. Prior to submission, documents must be prepared according to specific formatting and technical requirements. This may involve converting documents to a compatible electronic format and ensuring they meet any additional technical requirements.

Once prepared, documents are transmitted electronically to the clerk of superior court using secure channels provided by an authorized electronic recording system. Clerk staff review the submitted documents to ensure compliance with legal requirements. If the documents meet the criteria, they are accepted for recording.

Accepted documents are officially recorded in the clerk's electronic recording system, and relevant information is indexed for retrieval. After recording, parties involved in the transaction may receive electronic notifications confirming that the documents have been recorded successfully. This helps provide assurance and transparency in the recording process.

Recorded documents are accessible to the public through the clerk's local recording system and statewide on the Authority's online search tools. The Clerks' Authority and the Clerks of Superior Court in Georgia have created a one-of-a-kind system providing unprecedented access to Georgia deeds and property transaction information in Georgia. The residents and the business community gained 24-hour, seven-day-a-week desktop access to the land records of each county through the Internet and at each of the 159 Clerks' Offices in the State. Interested parties can search for and retrieve property records electronically, reducing the need for travel, manual searches, and physical document storage.

Superseded as of May 1, 2025

REAL ESTATE ELECTRONIC RECORDING RULES

FOR THE STATE OF GEORGIA

Rule 1. GSCCCA eFiling Portal Usage Required

No document may be transmitted to a clerk by electronic means except via the GSCCCA eFiling Portal.

Rule 2. Compliance with Technical Specifications

The technical specifications found in Appendix “B” shall be complied with for any software application or electronic filing service that:

- a. Interfaces with the GSCCCA eFile Portal.
- b. Is involved with the electronic transmission of a document to a clerk.
- c. Initiates an electronic submission, or any system that is traversed during the electronic transmission of a document.
- d. Is the clerk’s land record management system.

Rule 3. Software Provider Certification

- a. Any software provider or electronic service provider that offers any eFiling solution to a clerk must complete the GSCCCA eFile System Certification program for compliance with technical specifications, requirements, and functionality.
- b. Only computer systems that are GSCCCA eFile certified to electronically communicate with the GSCCCA eFile Portal may be used by Clerks of Superior Court to accept deed, lien, and plat documents submitted electronically.

- c. Certified eFile applications are subject to periodic review and re-certification and decertification.

Rule 4. Submitter Authorization - Application.

- a. No document may be transmitted to a clerk by electronic means except by a submitter authorized by the Authority.
- b. A human individual who seeks to become a submitter must make application to the Authority for submitter status.
- c. An applicant shall provide such information as the Authority may require including, but not limited to, the following, Applicant's:
 - 1. Full name.
 - 2. Date of birth.
 - 3. Residential address.
 - 4. Individual telephone number.
 - 5. Email address.
 - 6. Associated business name, if any.
 - 7. Associated business address.
 - 8. Associated business telephone number.
 - 9. A digital copy of:
 - i. Valid, unexpired driver's license issued by a state within the United States, or
 - ii. Valid unexpired passport, or
 - iii. Valid, unexpired personal identification card issued by the Georgia Department of Driver Services.
 - 10. A separate digital copy of applicant's signature.
 - 11. A digital image of the applicant taken at the time of making the application.
- d. An applicant shall authorize the Authority to conduct an examination into the applicant's identity using such methods as may be determined by the Authority. Such authorization shall include, but not be limited to, providing any or all of applicant's identity and demographic information to third parties outside the Authority domain for the purposes of validation.

- e. An applicant shall agree to the terms and conditions and electronically adopt and sign the submitter agreement.
- f. An applicant shall not apply for, attempt to have, or use, multiple instances as an authorized submitter.
- g. Upon successful identity validation the Authority may issue the applicant status as a submitter.
- h. Upon denial of an applicant's request the applicant may request a review of such decision by the Authority Executive Director or appointee. Any decision made on such review shall be final.
- i. The Authority may suspend, inactivate, or revoke the authorized status of any submitter for cause and may require the submitter to perform such additional steps to maintain or reinstate authorized submitter status.

Rule 5. Self-Filer Requirements

- a. On or after January 1, 2025, any deed, mortgage, lien, map, or plat presented to clerk for recording by a self-filer shall be submitted using electronic filing via the GSCCCA eFiling Portal.
- b. A self-filer must obtain authorized submitter status to present a document for recordation.
- c. A self-filer shall assume full responsibility for the content of the document including that the document is:
 - 1. Authentic, and
 - 2. Genuine, and
 - 3. Unaltered from its executed and attested state.
- d. A self-filer electronic submission shall comply with the technical specifications.

Rule 6. Submitter Compliance, Records and Software

- a. Each submitter shall comply with the technical specifications.
- b. Each submitter shall ensure that all security measures and credentials used are protected and not disclosed to or shared with any third party.
- c. All documents shall be secured so that both the transmitting and receiving parties are assured of each other's identity, and that no unauthorized party can view or alter the electronic document during transmission, processing, and delivery.
- d. A submitter shall immediately notify applicable clerks of any adverse incident affecting the security of electronic documents that are transmitted.
- e. Each submitter shall maintain an audit trail of all activity, available to those who originated, created, or received a document to facilitate resolution of issues or to investigate potentially fraudulent activity. The record audit trail must contain:
 - 1. All submitted content at point of transmission to a Clerk.
 - 2. Dates and times of receipts and transmissions.
 - 3. Details of amounts and sources for filing fees for recordation.
- f. Each submitter shall operate and maintain at their own expense the hardware and software used by the submitter.

Rule 7. Clerk Responsibilities

Pursuant to O.C.G.A. §44-2-38, any clerk implementing any function to receive for filing a document by electronic means shall do so in compliance with these Rules.

- a. A clerk shall continue to accept for filing paper documents as required by law.
- b. The clerk may only accept document submissions by electronic means from GSCCCA authorized submitters in good standing via the GSCCCA eFiling Portal.
- c. The clerk shall perform either an acceptance or rejection of the electronic submission.
- d. The clerk will charge the applicable recording fees and taxes that are provided by Georgia law to record electronic documents and will provide a means for such fees and taxes to be paid electronically.

- e. For each acceptance for recordation made by clerk, the clerk shall provide the submitter a notice of the acceptance, identifying the submission, a receipt for fees tendered, the filing date, and the specific location where the document is recorded in the official county land records.
- f. For any rejection made by clerk, the clerk shall provide the submitter with notice of the rejection, identifying the submission, and an enumeration of the reason(s) for rejection.
- g. The clerk shall employ a recording system to receive and process electronic submissions that has been certified by the Authority.
- h. A clerk is not required by these rules to authenticate any electronic signature embedded within the body of the document, including signature authenticity of any party, notary, or witness.

Rule 8. Maps and Plats

- a. All plats submitted to a clerk shall be an electronic document prepared in conformance with O.C.G.A. §15-6-67.
- b. Any plat presented to a clerk shall be presented electronically via the GSCCCA eFiling Portal in conformance with these rules.
- c. For plats, any provision of this Rule 8. shall prevail over any conflicting provision of the technical specifications found in Appendix “B”.
- d. The GSCCCA eFiling Portal may provide tools for convenience to allow a submitter to present a plat in alternative file formats, resolutions, compressions, or color depths and provide for generation by the submitter of a final plat for transmittal to a clerk. Such tools shall be executed exclusively at the affirmative direction of and under the control of the submitter. Submitter shall ensure that the final image submitted shall be of sufficient quality for recordation.
- e. Any plat images transmitted to a clerk must be digitized/rasterize at a resolution at 300dpi.
- f. Any plat images transmitted to a clerk must be in the TIFF document file format.
- g. Any plat images transmitted to a clerk must be one-bit color (black and white).

- h. Any plat images transmitted to a clerk must be compressed using TIFF CCITT G4 compression.
- i. Each page of the plat transmitted to a clerk shall be a discrete single page tiff.

Superseded as of May 1, 2025