

CHAPTER 2
HOUSE BILL No. 2125

AN ACT concerning registers of deeds; pertaining to duties regarding plats; amending K.S.A. 19-1207, 58-3115 and 58-3707 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 19-1207 is hereby amended to read as follows: 19-1207. (a) The register of deeds also shall keep a well-bound book, in which shall be kept all maps and plats of cities, subdivisions or additions to the same within the county, together with the description, acknowledgment or other writing thereon. The register shall keep an index to such book of plats. Such index shall contain the name or names of the proprietor or proprietors of such cities, subdivisions or addition and the name of the cities, subdivisions or addition. No register of deeds shall be bound to perform any of the duties required to be performed by this act, for which a fee is allowed, unless such fee has been paid or tendered.

(b) The register of deeds shall not record any plat, *replat*, *plat of survey pursuant to the apartment ownership act*, K.S.A. 58-3101 *et seq.*, and amendments thereto, or *plat of survey pursuant to the townhouse ownership act*, K.S.A. 58-3701 *et seq.* and amendments thereto, unless such ~~plat document~~ is accompanied by a receipt from the county treasurer for all real estate taxes ~~of~~ *on the land legally described in such document* for any year past due and unpaid and: (1) Payment of at least the first half of all real estate taxes ~~on such land to be platted~~ if such ~~plat document~~ is presented for recording between December 20 and ~~June 20~~ *May 10* of the next year; or (2) payment of all such real estate taxes if such ~~plat document~~ is presented for recording on and after ~~June 20~~ *May 10* but before December 20 of the same year.

(c) The record of plats and indexes required by this section may be kept in the manner provided by K.S.A. 19-1204, and amendments thereto or as otherwise authorized by statute.

Sec. 2. K.S.A. 58-3115 is hereby amended to read as follows: 58-3115. (a) The declaration, any amendment or amendments thereof, any instrument by which the provisions of this act may be waived, and every instrument affecting the property or any apartment or condominium unit shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.

(b) In addition to records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of an apartment or condominium unit affected by such declaration, and the record of each conveyance of an apartment or condominium unit contains a reference to the declaration of the property of which it is a part.

(c) There shall be recorded simultaneously with the declaration one or more plats of survey showing the legal description, the location and dimensions of the submitted land, any convertible lands within the submitted land and any additional land if the condominium is an expandable condominium. The plat of survey shall further show the location and dimensions of all existing condominium units and common areas and facility improvements of the submitted land. When converting all or any portion of any convertible land or adding additional land to an expandable condominium, the declarant shall record amended plats of survey which shall show the location and dimensions of all existing condominium units and common area and facility improvements upon the convertible or additional land.

(d) *The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes on the submitted land in accordance with K.S.A. 19-1207(b), and amendments thereto.*

Sec. 3. K.S.A. 58-3707 is hereby amended to read as follows: 58-3707. (a) There shall be recorded simultaneously with the declaration, at the office of the register of deeds, one or more plats of survey showing the legal description, the location and dimensions of the submitted land, the location and description of any land which may be added to the townhouse project if such right is set forth in the declaration, and the location and dimensions of each townhouse unit and all common area improve-

ments.

(b) The register of deeds shall not record any plat of survey pursuant to this act unless such plat of survey is accompanied by a receipt from the county treasurer for real estate taxes on the submitted land in accordance with K.S.A. 19-1207(b) and amendments thereto.

Sec. 4. K.S.A. 19-1207, 58-3115 and 58-3707 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 18, 2010.