

Registered Submitter Agreement for electronic recording in Westchester County

Office of the Westchester County Clerk **Making Government Easy**

e-Recording

For additional information on electronic recording,
please visit WestchesterClerk.com.

For questions about this agreement,
contact John Allen at JJAB@WestchesterCountyNY.gov.



Timothy C. Idoni, Westchester County Clerk

Registered Submitter Agreement Instructions

for eRecording in Westchester County, NY

When completing the Registered Submitter Agreement, please be mindful of the following:

- **Page 1:** Leave the date blank, as it will be filled in when signed by the County Clerk.
- **Page 1:** Insert the Registered Submitter's full name; type of entity, if not an individual (e.g., corporation, not-for-profit corporation, limited liability company, etc.); state of incorporation, if not an individual; and address, in the appropriate blank spaces.
- **Page 5:** In Paragraph 12, insert in the blank spaces the address to which you want any notice(s) of default to be sent.
- **Page 7:** Sign the agreement and, below the signature, in the places marked, print the name of the person signing, the title of the person signing (if applicable), and the date the agreement was signed.
- **Page 7:** Provide your PREP User Name or Names in the place marked. If you do not have a PREP User Name, please visit <http://prep.WestchesterClerk.com>, choose "Create Account," and set up an account in PREP so that you can obtain a PREP User Name and provide that information in the agreement. More than one PREP User Name may be listed.
- **Pages 8-13:** Please be careful to complete the proper acknowledgement form:
 - **Individual:** If the agreement is entered into by an individual, the individual must sign on page 7 and a Notary Public must complete the acknowledgement on page 8.
 - **Corporation:**
 - Corporation with more than one officer: If the agreement is entered into by a corporation with more than one corporate officer, one officer must sign the agreement on page 7 and a Notary Public must complete the acknowledgement for that first officer on page 8. In addition, the Certificate of Authority on page 10 must be completed by a second corporate officer and a Notary Public must complete the acknowledgement for that second officer at the bottom of page 10.
 - Corporation with only one corporate officer: If the agreement is entered into by a corporation with only one corporate officer, the officer must sign the agreement on page 7 and a Notary Public must complete the Sole Corporate Officer Acknowledgment for Corporations at the top of page 9.
 - **Limited Liability Company (LLC):**
 - Limited Liability Company with more than one manager or member: If the agreement is entered into by a LLC with more than one manager or member, one

manager or member must sign the agreement on page 7 and a Notary Public must complete the acknowledgement for that first manager or member on page 8. In addition, the Certificate of Authority (Limited Liability Company) on page 11 must be completed by a second manager or member and a Notary Public must complete the acknowledgement for that second manager or member at the bottom of page 11.

- **Limited Liability Company with only one manager or member:** If the agreement is entered into by a LLC with only one manager or member, the manager or member must sign the agreement on page 7 and a Notary Public must complete the Sole LLC Member Acknowledgement at the bottom of page 9.
- **Partnership:** One partner must sign the agreement on page 7 and a Notary Public must complete the acknowledgement for that first partner on page 8. In addition, the Certificate of Authority (Partnership) on page 12 must be completed by a second partner and a Notary Public must complete the acknowledgement for that second partner at the bottom of page 12.
- **Limited Liability Partnership (LLP):** One partner must sign the agreement on page 7 and a Notary Public must complete the acknowledgement for that first partner on page 8. In addition, the Certificate of Authority (Limited Liability Partnership) on page 13 must be completed by a second partner and a Notary Public must complete the acknowledgement for that second partner at the bottom of page 13.

Please return two original agreements to:

John J. Allen
Deputy County Clerk
Office of the Westchester County Clerk
110 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

If you would like a fully executed copy of the agreement returned to you, please provide a self-addressed stamped envelope.

If you have questions about the agreement, please contact John Allen at JJAB@WestchesterCountyNY.gov.

To sign up for an Automated Clearing House (ACH) account, please visit WestchesterClerk.com and choose “Services” and then “ACH Debit Accounts” to find information and the necessary form. Your ACH account must be set up before you can begin to electronically record.

THIS AGREEMENT, made the ____ day of _____, 2023 by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, acting by and through the Office of the Westchester County Clerk
(hereinafter referred to as the “Recording Officer”)

and

_____, a _____ of the State of _____, having an office and place of business at _____

(hereinafter referred to as the “Registered Submitter”)

WITNESSETH :

WHEREAS, the Recording Officer desires to accept electronic recording of instruments affecting real property, subject to all applicable laws, rules, and regulations; and

WHEREAS, the Registered Submitter desires to transmit to the Recording Officer, for electronic recording, instruments affecting real property, subject to all applicable laws, rules, and regulations; and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept the electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York’s electronic facilitator (the “Electronic Facilitator”); and

WHEREAS, the Electronic Facilitator promulgated such rules and regulations, as codified in Title 9, Part 540, of the Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”); and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth Title 9, Part 540.7(i), of the NYCRR (the “Terms and Conditions Agreement”); and

WHEREAS, this Agreement shall serve as the Terms and Conditions Agreement;

NOW, THEREFORE, the parties agree as follows:

1. The Registered Submitter shall comply with all laws, rules, and regulations applicable to the electronic recording of instruments affecting real property, including, but not limited to, New York Real Property Law §291-i and 9 NYCRR Part 540.
2. The Registered Submitter may transmit to the Recording Officer, for electronic recording, instruments affecting real property using the Property Records Electronic Portal (“PREP”) electronic recording system. The Registered Submitter may access PREP through either:
 - a. The PREP System, available at: <https://prep.WestchesterClerk.com>
 - or*
 - b. PREP Web Services, for which a URL will be communicated to the Registered Submitter upon final approval of this agreement.
3. The Registered Submitter understands and acknowledges that the Registered Submitter must have a PREP account with the Recording Officer in order to use the PREP electronic recording system.
4. The Registered Submitter agrees to pay all applicable taxes and recording fees.
5. Pursuant to 9 NYCRR §540.7(i)(1), this Agreement must specify the manner in which a registered submitter’s identity will be electronically verified and authenticated by the Recording Officer. The Registered Submitter understands and acknowledges that the Registered Submitter’s identity will be electronically verified and authenticated by the Recording Officer in the following manner:

The Registered Submitter’s identity will be electronically verified and authenticated each time the Registered Submitter logs into PREP, through use of the Registered Submitter’s unique user name and password for the Registered Submitter’s PREP account.
6. Pursuant to 9 NYCRR §540.7(i)(2), this Agreement must specify the manner in which the transmission of electronic instruments will be acknowledged by the Recording Officer. The Registered Submitter understands and acknowledges that the Registered Submitter’s transmission of electronic instruments will be acknowledged by the Recording Officer in the following manner:
 - a. For a submitter using the PREP System: Upon the submission of an electronic document, the Registered Submitter may choose the “View Submitted Packages” link on the “My Packages” screen. On the “View Submitted Packages” screen, the submitted electronic document, as part of a package named by the Registered Submitter, will be displayed on that screen

with an initial status of “Not Received.” That status will update to “Examination” when the Recording Officer acknowledges the transmission of the electronic document.

b. For a submitter using PREP Web Services: Upon the submission of an electronic document, the Registered Submitter will be provided with a method to obtain the status of an electronic document through PREP Web Services. Once PREP Web Services returns an electronic document’s status as “Received”, the Recording Officer acknowledges the transmission of the electronic document.

7. Pursuant to 9 NYCRR §540.7(i)(3), this Agreement must specify the models of electronic recording accepted by the Recording Officer. The Registered Submitter understands and acknowledges that the following model of electronic recording will be accepted by the Recording Officer through PREP:

- a. Property Records Industry Association Model 2 (“Model 2”):

“Model 2” consists of:

A document created in paper, signed in ink, and converted into an electronic format (such as a PDF or TIFF file). Such a document is sent to the Recording Officer for recording in an electronic format, accompanied by the indexing information required by the Recording Officer, but without such information being embedded in the document.

8. Pursuant to 9 NYCRR §540.7(i)(4), this Agreement must specify the requirements for electronic submission. The Registered Submitter understands and acknowledges that the requirements for electronic submission are as follows:

- a. Documents Accepted: A list of documents accepted electronically is posted on the Recording Officer’s official website, which is currently available at <http://www.WestchesterClerk.com> (the “Recording Officer’s Official Website”). Any changes to the list of documents accepted electronically will be posted on the Recording Officer’s Official Website and electronic notification of such update will be sent to the Registered Submitter by sending an email to the Registered Submitter’s Email Address.
- b. Indexing Requirements: The Registered Submitter agrees to abide by the Indexing Requirements as published by the Recording Officer. The current Indexing Requirements are posted on the Recording Officer’s Official Website and are incorporated by reference herein. Any changes to the Indexing Requirements will be posted on the Recording Officer’s Official Website and electronic notification of such update will be sent to

the Registered Submitter by sending an email to the Registered Submitter's Email Address.

- c. **Image Specifications, File Format Specifications, and Security Requirements:** A list of the image specifications, file format specifications, and security requirements for electronic submission is available at the Recording Officer's Official Website. Any changes to the list of image specifications, file format specifications, and/or security requirements will be posted on the Recording Officer's Official Website and electronic notification of such update will be sent to the Registered Submitter by sending an email to the Registered Submitter's Email Address.

- 9.** Pursuant to 9 NYCRR §540.7(i)(5), this Agreement must specify the payment options for recording fees and applicable taxes. The Registered Submitter understands and acknowledges that the Registered Submitter must pay such fees and taxes through the following method:

Automated Clearinghouse Account ("ACH"), set up in advance with the Recording Officer.

- 10.** Pursuant to 9 NYCRR §540.7(i)(6), this Agreement must specify Recording Officer's business hours. The Registered Submitter understands and acknowledges that Recording Officer's business hours are:

Currently, from 9:00 am until 5:00 pm on business days, excluding the holidays posted on the Recording Officer's Official Website. Any changes to these business hours will be posted on the Recording Officer's Official Website and electronic notification of such update will be sent to the Registered Submitter by sending an email to the Registered Submitter's Email Address.

- 11.** Pursuant to 9 NYCRR §540.7(i)(7), this Agreement must specify the requirements and procedures for acceptance or rejection of digitized paper documents or electronic records for recording purposes. The Registered Submitter understands and acknowledges that Recording Officer's requirements and procedures for acceptance or rejection of digitized paper documents or electronic records for recording purposes are as follows:

- a. **Notification of Recording:** Upon the recording of an electronic document, the Recording Officer will provide an electronic notification to the Registered Submitter by sending an email to the Registered Submitter's Email Address. The electronic notification will indicate that the electronic document has been recorded by the Recording Officer. The electronic notification will include the date and time of the recording of the electronic document, the Control Number, and the 'Reference for

Submitter' from PREP.

- b. Criteria for Rejection: Electronic documents submitted for recordation to the Recording Officer will be rejected if they fail to meet the requirements specified in Paragraph 8 or the requirements otherwise provided by the laws, rules, and regulations of the State of New York.
- c. Notification of Rejection: Upon the rejection of an electronic document, the Recording Officer will provide an electronic notification to the Registered Submitter by sending an email to the Registered Submitter's Email Address. The electronic notification will indicate the reasons that the electronic document has been rejected by the Recording Officer and the 'Reference for Submitter' from PREP.

12. Pursuant to 9 NYCRR §540.7(i)(8), this Agreement must specify provisions for amending or terminating the Registered Submitter's registration as a registered submitter. The Registered Submitter understands and acknowledges that the provisions for amending or terminating the Registered Submitter's registration are as follows:

In the event that the Registered Submitter shall default in the performance of any term, condition, or covenant herein contained, the Recording Officer at its sole option and in addition to any other remedy it might have to seek damages, judicial enforcement, or any other lawful remedy, may terminate the Registered Submitter's registration immediately upon receipt by the Registered Submitter of a written notification either sent by registered or certified mail postage pre-paid; or delivered by hand or overnight courier; or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail postage pre-paid), if the Registered Submitter has provided a facsimile telephone number to the Recording Officer. Such notice shall be sent to the Registered Submitter's address as set forth in the caption to this agreement or to such other address as the Registered Submitter has specified below, or may subsequently designate in writing:

The Registered Submitter may defeat such termination by curing the default within thirty (30) days of the date of receipt of the notice.

The Registered Submitter's registration shall also be terminated upon termination of this Agreement.

The Registered Submitter's registration shall be amended in the manner provided in Paragraph 13 for all amendments to this Agreement.

- 13.** Pursuant to 9 NYCRR §540.7(i)(9), this Agreement must specify the rules for amending the Terms and Conditions Agreement. The Registered Submitter understands and acknowledges that the rules for amending this Agreement, which serves as the Terms and Conditions Agreement, are as follows:

This Agreement may not be amended except by an instrument in writing signed by a duly authorized representative of each of the parties.

- 14.** The term of this Agreement shall commence upon execution of this Agreement by both parties, as evidenced by the later of the dates reflected below, and shall be effective until terminated by either party, pursuant to the terms of this Agreement.
- 15.** Either party may terminate this Agreement by giving written notice to the other party at least sixty (60) days in advance of the date on which the Agreement is sought to be terminated.
- 16.** The Registered Submitter shall not assign or subcontract any part of this Agreement. Any purported assignment or subcontracting of any part of this Agreement is void. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement.
- 17.** This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the Recording Officer and the Registered Submitter have executed this Agreement.

THE COUNTY OF WESTCHESTER

By: _____
Name: Timothy C. Idoni
Title: Westchester County Clerk
Date:

Insert Registered Submitter's Name: _____

By: _____
Name:
Title:
Date:

PREP User Name or Names: _____

Authorized by the Westchester County Board of Acquisition & Contract at a meeting duly held on the 13th day of September, 2012.

Approved as to form
and manner of execution:

County Attorney
County of Westchester

ACKNOWLEDGMENT

STATE OF _____)
) ss.:
COUNTY OF _____)

On the _____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

SOLE CORPORATE OFFICER ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On this _____ day of _____, 20____, before me, the undersigned,
personally appeared _____, personally known to me or proved to me
(Name of Sole Officer)

on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as

President and sole officer and director of _____,
(Name of Corporation)

the corporation described in and which executed the within instrument, and acknowledged that he/she owns all the issued and outstanding capital stock of said corporation, and that by he/she signed the within instrument on behalf of said corporation.

Notary Public

SOLE LLC MEMBER ACKNOWLEDGMENT

STATE OF)
) ss.:
COUNTY OF)

On this _____ day of _____, 20____, before me, the undersigned,
personally appeared _____, personally known to me or proved to me
(Name of Sole Member)

on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as

Managing Member and sole member of _____,
(Name of LLC)

the LLC described in and which executed the within instrument, and acknowledged that he/she owns the entire ownership interest in the LLC, and that by he/she signed the within instrument on behalf of said LLC.

Notary Public

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)

the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____

(Law under which organized, e.g., the New York Business Corporation Law)

named in the foregoing agreement; that _____
(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Corporation)

was, at the time of execution _____
(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF _____)
COUNTY OF _____) ss.:

On the _____ day of _____ in the year 20__ before me, the undersigned, a Notary Public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at _____, and he/she is an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY
(LIMITED LIABILITY COMPANY)

I, _____,
(member or manager other than person executing the agreement)

certify that I am a _____ of _____
(member/manager) (Name of Limited Liability Company)

(the "LLC") duly organized under the Laws of the State of _____;
(Name of State)

that _____ who signed said Agreement on behalf of
(Person Executing Agreement)

the LLC was, at the time of execution, a manager of the LLC; that said Agreement was duly signed for and on behalf of said LLC and as the act of said LLC for the purposes therein mentioned.

(Signature)

STATE OF _____)
COUNTY OF _____) ss.:

On the _____ day of _____ in the year 20__ before me, the undersigned, a Notary Public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the member/manager described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at _____, and he/she is a member/manager of said LLC; that he/she is duly authorized to execute said certificate on behalf of said LLC, and that he/she signed his/her name thereto pursuant to such authority.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY
(PARTNERSHIP)

I, _____,
(Partner other than Partner signing contract)

certify that I am a General Partner of _____,
(Name of Partnership)

a partnership duly organized under _____,
(Law under which partnership is organized)

and named in the foregoing Agreement; that _____,
(Partner Executing Agreement)

who signed said Agreement on behalf of the Partnership was, at the time of execution, a General Partner of said Partnership; that said Agreement was duly signed for and in behalf of said Partnership and as the act and deed of said firm for the purposes therein mentioned.

(Signature)

STATE OF _____)
COUNTY OF _____) ss.: _____

On this _____ day of _____, in the year 20__ before me, the undersigned, a Notary Public in and for said State, _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the General Partner described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at _____, and he/she is a general partner of said Partnership; that he/she is duly authorized to execute said certificate on behalf of said Partnership, and that he/she signed his/her name thereto pursuant to such authority.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY
(LIMITED LIABILITY PARTNERSHIP)

I, _____ certify that I am a
(Partner other than Partner signing Agreement)
Partner of _____
(Name of Limited Liability Partnership)
(the "LLP"), a partnership duly organized under _____,
(Law under which partnership is organized)
and named in the foregoing Agreement; that _____,
(Partner Executing Agreement)
who signed said Agreement on behalf of the LLP was, at the time of execution, a Partner of said
LLP; that said Agreement was duly signed for and in behalf of said LLP and as the act and deed
of said firm for the purposes therein mentioned.

(Signature)

STATE OF _____)
COUNTY OF _____) ss.:

On this _____ day of _____, in the year 20__ before me, the
undersigned, a Notary Public in and for said State, _____ personally
appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the
Partner described in and who executed the above certificate, who being by me duly sworn did
depone and say that he/she resides at _____, and he/she
is a partner of said LLP; that he/she is duly authorized to execute said certificate on behalf of
said LLP, and that he/she signed his/her name thereto pursuant to such authority.

Date: _____

Notary Public