

February 28, 2018

To Whom it May Concern:

I am writing to you today to oppose H.899 as it is currently written as it relates to my position as Town Clerk and Treasurer of the Town of Barton. For context we record hundreds of documents a year here in Barton, usually amounting to about 2200 pages. I consider our town to be a medium-sized Vermont town with a population close to 3,000. H.899 as written would significantly and unnecessarily increase fees on the majority of the documents we record.

My assistant clerk does the recording in my office. It takes less than 20 minutes to record a single document. She tells me it takes 5 minutes but she is incredibly efficient so I'm going to estimate 20 minutes for an average person with little experience. She is paid \$15.50/hour, let's go ahead and call that \$20 an hour for argument's sake. The materials we record it on cost about \$0.05/page and each binder is \$100 but holds 600 pages, so we'll call the materials cost \$0.25/page. With those figures in mind I'd like to show you a couple quick calculations on our most frequent documents.

A 2 page deed and property transfer tax return would under H.899 as written cost \$85 to record (up from \$30 currently). It would cost the town \$5.75 in labor and materials, \$20 would go to records restoration, and \$59.25 would go in to the town coffers as pure profit to help offset overhead in other areas. These deeds are often contingent remainder deeds, adding children on in the case of a person's death. They might also be shifting property to a trust, adding or removing a spouse or former spouse, or many other non-sale transactions. Properties in Barton average less than \$100,000 in value. The cost of going to an attorney and having these documents drawn up is already often prohibitive to these transactions. I hate to see the cost of recording driven up so high as to prevent my residents from doing what is in their best interest.

Refinancing your home is another frequent occurrence in town. A 7-page mortgage and discharge of the prior mortgage would now be \$110. It is currently \$80. It costs the town approximately \$12 in labor and materials to record those documents.

My final example is the purchase of a new home. This involves a 2 page deed, pttr, mortgage, and discharge of the seller's mortgage. This of course just compounds the above costs, it would be \$195 under H.899 and is currently \$110.

VMCTA developed this fee structure to get around the governor's promise of no fee increases. They have been very open with their membership on this. I feel that is underhanded. I also do not like that they have not polled clerks regarding their current fees and what they believe is needed going forward.

What I do like in this bill is that it mandates records restoration funds. However, I feel it goes too far in funding them at such a high level. Current statute enables towns to choose if they create such funds and to fund them at a rate of between \$0.50 and \$1 per page of recording. I would prefer H.899 to mandate that all towns set aside between \$1.00 and \$2.00 per page of recording.

I would personally prefer no increase to recording costs as I do not feel it is necessary. If a fee structure change were desired I would want to see the fees for PTTR's mirror the fees for additional pages instead of the fee for the first page. I would also want to see the first page fee no higher than \$15. Many documents that come in are a single page, such as a discharge. It seems unreasonable to increase the fee for those documents fourfold. In fact, looking through the last couple dozen documents we

recorded fees would increase by at least 40% on all of them. If a fee increase is really the desired outcome I would very much prefer to see the bill reflect that and simply increase the per page fee to \$11.00 with a mandatory \$1 per page for records restoration and computerization. I do think it is important to include computerization in the allowed spending of records restoration funds as so many of our restoration needs these days revolve around both digitizing and physically preserving our records.

At \$1 per page we have preserved by encapsulating over a third of our land records. We have microfilmed and digitized our land records. We have purchased shelving, maintained our vault, and are incredibly proud of the state of our records. Perhaps bigger towns or towns which haven't kept up with the needs of their vault for the last several decades need more, but should we smaller towns be forced to amass large funds for which we have no use just so they can tell their tax payers that it was a state mandate and not a town need on their budget? Don't all property owners benefit equally from preserved land records and not only those doing transactions now? Town budgets are, in my opinion, exactly the place for raising funds to benefit property owners past and present of the town.

Thank you for your time and consideration in this matter. If you have any further questions regarding my numbers or opposition to this bill I would be more than happy to speak with you at your convenience. I have provided my contact information below.

Sincerely,

Kristin M. Atwood

Barton Town Clerk/Treasurer

802-525-6222

bartontown@comcast.net