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MEMORANDUM

Ken
To: Ken Decker, County Administrator
Eugenia
From: Hon. Eugenia Thornton, Recorder of Deeds
Re: Discussion of Space Management in Recorder of Deeds Office
Date: April 1, 2024

Following our recent email discussion, a conversation between a Commissioner and a professional doing property research, and remarks made at the budget meeting, I write to address critical issues regarding the use of space in the Levy Court Administrative Building, particularly the Office of the Recorder of Deeds ("Deeds Office"). You stated in an email that the Deeds Office "has a large amount of floor space dedicated to paper documents that are infrequently used and entirely available digitally." To clarify, this "large amount of floor space" is not an empty space; instead, it is the Public Access Property Records Research Library (PAPRRL) serving a vital function to citizens, the Real Estate Industry, and government.

The PAPRRL is not novel to Kent County. New Castle and Sussex -- and many other counties in other states-- have libraries established that are substantially similar in layout to the Kent County PAPRRL in the Deeds Office. These libraries are essential to the counties they serve for many reasons. With respect to the Kent County PAPRRL, these reasons include but are certainly not limited to the following:

- Property records in general, and certainly in Kent County, predate the Information Age. Even though the vast majority of older property records have been digitized, a secure place to maintain the bound paper copies of these records safeguards our state's history and effectuates the resolution of legal disputes with respect to property when a digitized version of the record is unclear. Indeed, too often, the digitized records online are illegible and difficult to read, to say nothing of the records absent from online databases. Due to these reasons, the PAPRRL has many regular users who not only prefer conducting their research in person on bound paper records instead of via computer but must do so when the digitized versions are illegible or missing.
- Both the general public and professionals use the PAPRRL. Title Searchers are at the leading edge of the real estate industry. Their work in the PAPRRL is integral to the real estate bar, real estate agents, title companies, and surveyors. As a result, any relocation of the PAPRRL would be of significant concern to the Superior Court as well. Reducing services currently provided by the Recorder of Deeds would mean failing to serve the public.
- The Deeds Office maintains two computer programs for searching property records: 1) **US Land Records**, available online for casual use, has a limited scope and thus limited utility for professional searches; and 2) **Perfect Vision 2020**, the professional program used to record

deeds, available only on the Kent County intranet for security reasons. A "search-only" version of Perfect Vision is available to professional title searchers. Because it can only be accessed through the Kent County intranet for security reasons, title searchers must physically be in the PAPRRL to conduct searches on Perfect Vision. Likewise, title search computers (opposed to public access computers--also located in the PAPRRL- loaded with US Land Records and PRIDE only) contain sensitive court databases and redacted information unavailable on US Land Records. Professionals must use these searchable databases when Judgment or Will conveys property or records are redacted.

- Providing these databases on county hardware is an Industry Standard.. Since urgent matters often necessitate title searches being conducted outside of regular business hours, the PAPRRL – and thus access to Perfect Vision, JIC, FileBound, File & Serve, and redacted files – must be available to title searchers on a 24/7 basis. After-hour access via building passes issued to title searchers (who have signed waivers and paid for the privilege) is also not unique to Kent County. For instance, New Castle County Title Searchers have 24/7 PAPRRL access even though the building houses county and City of Wilmington offices.
- The fees generated from these after-hours passes and from the use of GoPrint, the software that enables printing of documents from the county computers, generates income and supports commerce that nets from \$9 to \$11 million annually for Kent County.
- Currently, the PAPRRL is overseen by clerks in the Deeds Office from their workstations; these clerks provide security for the library and assist the general public—particularly those wishing to bid on Sheriff Sale properties—with searches when needed. Moving the PAPRRL to a location not convenient to the Deeds office clerks would likely require hiring at least two additional custodial and/or security staff. NCC, for instance, has two custodians assigned permanently to their research library. These custodial positions would be unnecessary if the PAPRRL remained in its current location.

In addition to the economic benefit of the PAPRRL, your proposal to move the Deeds Office outside of the Levy Court Administrative Building would create a ripple effect of substantial additional expenses.

- Moving the Deeds Office to a new space outside the Administrative Building would also mean moving the PAPRRL. Expenses associated with moving a significant amount of historical documents – not to mention ensuring that the Deeds Office and the PAPRRL were still part of the Kent County intranet – would be substantial. Setting up network communications at a new location would mean a significant investment. There are a lot of other items to consider i.e., telephones, printers, and workstations. Not to include physical security like cameras and access control capability.
- As a matter of convenience, the PAPRRL's location is ideal, as public records searches are necessary ancillary functions of several other County offices and departments, such as the Sheriff's Office, the Department of Finance, Taxes, and Assessments, the Department of Planning and Building Permits, and the Register of Wills. Spreading these functions out over a wider geographic area would pose an unnecessary inconvenience to the public and other county offices in addition to risking the PAPRRL collecting fewer fees—or delayed fees—for its services; thus, such a move would be to the detriment of the County in general.