

Summer/Fall 2016



THE RECORDER



FROM THE RECORDER, Michael E. Kozikowski, Sr.

MISSION STATEMENT

Our mission is to always "Put the Customer First" and to strive for continuous improvement by providing the types of services that meet the needs of our customers.

OFFICE OFFICIALS:

Michael E. Kozikowski, Recorder
Thomas G. Ferrier, Chief Deputy
Renee T. Boyle, Office Administrator
Edward Dale, Office Administrator
Lisa Shellem, ROD Info. Coordinator

MAILING ADDRESS:

Recorder of Deeds
Louis L. Redding
City/County Building
800 N. French St., 4th Floor
Wilmington, DE 19801
Phone: (302) 395-7749
Fax: (302) 395-7732

WEBSITE INFORMATION:

deeds.nccde.org
deedsearch.nccde.org—for on-line records search

HOURS OF OPERATION:

Monday through Friday
8:30 a.m. to 4:15 p.m.

HOLIDAY CLOSINGS:

LABOR DAY, Monday, Sept. 5, 2016
COLUMBUS DAY, Monday, Oct. 10, 2016
ELECTION DAY, Tuesday, Nov. 8, 2016
VETERANS DAY, Friday, Nov. 11, 2016

FEE SCHEDULE:

Please visit our website for a detailed fee schedule at:
www.nccde.org/deeds

Common Interest Community Recording Fee Waiver

On May 10th 2016, New Castle County Council unanimously passed Ordinance 16-041, 13-0. The legislation waived the local fees for the Common Interest Communities to record their governing documents in the Recorder of Deeds office. The ordinance was sponsored by County Councilman George Smiley and co-sponsored by all of Council. "We recognize just how important it is to ensure that the current 1,017 Common Interest Communities and future CIC's in New Castle County are provided with the opportunity to record their governing documents at no cost. And more importantly, the incentive to keep these documents up to date," said Councilman Smiley.

On August 10th 2016, Governor Jack Markel signed SB. 297. This important legislation sponsored by Senator Blevins and Representative Mitchell is an Act to amend Title 9 of the Delaware Code relating to the collection of recording fees. On September 6th 2016, the Common Interest Community (CIC) can begin to record their governing documents at no cost in New Castle County. The bill was recognized to have significant merit by the Delaware State legislature. SB. 297 was unanimously passed in the Senate 15-0 and the House of Representatives 34-0. "I'm pleased we were able to work with the Recorder of Deeds to provide financial relief to civic associations and other common interest communities which proactively improve the quality of life for their residents," said Senate President Pro Tempore Patricia Blevins. "Civically-minded communities ease the burden on government, and I'm glad that we in turn, could take a small but meaningful step to ease the burden on them."

The synopsis of SB. 297 prohibits a county recorder from collecting a recording or filing fee from any common interest community or civic association when its respective county has elected to waive county recording fees for common interest communities and civic associations. "We recognize the important benefits this legislation creates for the Delaware common interest community," said Representative of the 13th District Larry Mitchell. "To eliminate the fee now provides the CIC's with a clear path forward to consistently record all of their governing documents."



Common Interest Community Recording Fee Waiver (Cont.)

The General Assembly created the Office of the Common Interest Community Ombudsperson in the Department of Justice in August 2014. The office assists members of residential “common interest communities” such as condominiums, cooperatives and planned subdivisions of single family homes to understand their rights and the processes available to them. Where possible, the Ombudsman is to help resolve homeowners’ association disputes without resort to the judicial system. “My statutory charge is to assist members of common interest communities, to help them better understand their rights and responsibilities and the processes available to them according to the law, regulations, and documents governing their respective common interest community,” said Deputy Attorney General/CIC Ombudsman Christopher Curtin.

In the 2015 Annual Report to the Governor, page one details what the essential common features are of the Common Interest Community. They are authorized by deed restrictions, covenants or conditions to set and collect mandatory annual assessments for the maintenance of common areas or common elements of the community such as streets, street lights, open space, storm water management ponds, and amenities such as playgrounds, clubhouses, swimming pools, and many others.

In June 2016, in a feature presentation of Spotlight on New Castle County, Hosts Melanie Kitchen and Anthony Prado asked specific questions about the CIC 360 Action Plan. The Spotlight panel consisted of: County Executive Thomas Gordon, Recorder of Deeds Michael Kozikowski, Deputy Attorney General/CIC Ombudsman Chris Curtin and NCC Office of Law Attorney Wilson Davis. The segment of Spotlight on New Castle County featured an outline on how an idea: (The CIC 360 Action Plan) can become a reality when the three branches of County and State Government work together for the betterment of the community. Here is the link for all to view this featured segment of Spotlight on New Castle County.

<https://www.youtube.com/watch?v=NdV1HRwxxwY>

“The first half of the 360 provides free recording of the CIC governing documents. The second half will provide free access to these pertinent documents once New Castle County Council has waived the Recorder of Deeds access fees and then the ROD and New Castle County Information Systems can create an Home Owners Association (HOA) Portal so anyone interested can view the governing documents online,” said Recorder of Deeds Michael E. Kozikowski, Sr.

Free recording of HOA governing documents addresses an issue the Ombudsman sees often. “A surprising number of communities never received their bylaws, or lost their unrecorded bylaws, or failed to record them after DUCIOA required recording of these governing documents in 2009,” said Delaware Deputy Attorney General/CIC Ombudsman Christopher Curtin. “As bad, some communities are using old bylaws that should be updated, and worst of all, did not amend bylaws or other documents according to the required procedure stated in the document. These important legislative changes allow the CIC’s to correct these problems without the recording fees. One small self-managed community in New Castle County spent over \$260 to record unenforceable bylaws, but can now correct them in the Recorder of Deeds office beginning September 6th 2016.”

“When New Castle County Council and the County Executive adopt the ordinance to waive the Recorder of Deeds online access fees and the Home Owners Association Portal is operational, the CIC 360 Action Plan will be completed. “These important steps in the process will provide the NCC CIC’s with the opportunity to record and access their governing documents. By being proactive, this will create the much needed dynamics for the Common Interest Communities to consistently record their important documents so when any issues occur, resolution can be found in the recorded paper trail,” said County Executive Thomas P. Gordon.

What is an Ombudsperson?

An ombudsperson (or ombudsman) is someone, such as a government official, who receives, reports on, and investigates complaints and tries to deal with problems fairly.

The Common Interest Community Ombudsperson will assist members of common interest communities in understanding their rights and responsibilities and the processes available to them according to the law, regulations and documents governing their respective common interest communities.

Who is Served by the Office of the Ombudsperson?

The members of the Common Interest Community served by the Ombudsperson include:

- Home owners or “unit owners” in common interest communities;
- Developers or “declarants” who “declare” the deed restrictions;
- Homeowners’ associations, condominium or cooperative councils, and maintenance corporations;
- Executive boards of common interest community associations; and other interested parties.

What is the Purpose of the Office of the Ombudsperson?

- The General Assembly stated its purpose for creating the Office:
- In Delaware, county and municipal governments have required that land developers create common interest communities to administer, maintain, or improve common elements in the community such as pools, community centers, storm water management systems, or other common space or infrastructure. These communities are created by legal documents drafted by the developer and are intended to be managed by those living in these communities. This system can create difficulties for those living in these communities, especially when disputes arise.
- This bill [creates] an Office of the Common Interest Community Ombudsman. The bill [empowers] the Ombudsman to assist common interest communities to understand their rights and responsibilities and to resolve disputes without recourse to the judicial system.
- The bill ...also [creates] a Common Interest Community Advisory Council to advise and assist the Ombudsman and to undertake a review of the current common interest community system and make recommendations to the Ombudsman for changes to Delaware law and rules of court procedure to improve the system, with the hope these recommendations would be incorporated into legislation by the 148th General Assembly.

Synopsis, House Bill No. 308 (April 24, 2014) available

at:<http://legis.delaware.gov/LIS/lis147.nsf/vwlegislation/E0C652A7BAEFAC6485257C39006EB432>

The Act requires the Ombudsperson to establish and publicize an [Internal Dispute Resolution Process](#) required if an association has none of its own, and a [Fair Election Procedure](#). These documents are available on the Ombudsperson's Website with additional information.

Source: <http://attorneygeneral.delaware.gov/fraud/cpu/ombudsman.shtml>

Common Interest Community Ombudsman (Cont.)

Contact Information:

Christopher J. Curtin
Deputy Attorney General
Common Interest Community Ombudsperson
820 N. French Street
Wilmington, DE 19801
Tel: 302-577-8600
Outside New Castle County: 800-220-5424
Fax: 302-577-6499
email: CIC.OmbudsmanDOJ@state.de.us
Web site: <http://attorneygeneral.delaware.gov/fraud/cpu/ombudsman.shtml>
Source: <http://attorneygeneral.delaware.gov/fraud/cpu/ombudsman.shtml>

Recorder of Deeds Software Upgrades

The New Castle County Recorder of Deeds office will be implementing computer software upgrades to their current system in the coming months. The office will partner with their vendor Document Technology Systems to make improvements that will create a more user friendly customer service experience. The new state-of-the-art software will help the Recorder of Deeds remain current for the next decade. It will help streamline the office workflow and improve the ability to search online records, especially for the real estate industry.

The funding for this important project will come directly from the Recorder of Deeds Technology fund, established in 2005 by current Recorder Michael Kozikowski with approval by New Castle County Council and County Executive Tom Gordon.

Another significant benefit that will occur with these upgrades relates to the Imaging Retrieval System. The office will create a Homeowner's Association Portal. This will allow Common Interest Communities (CICs) to view designated governing documents free of charge. We hope to begin this project in late fall and have it completed by March 2017.

RECORDER OF DEEDS PRIMARY CONTACTS:

If you have any specific questions related to this office, please contact the following Office Administrators:

Renee Boyle, Office Administrator
NCC Recorders of Deeds Office
Phone: (302) 395-7740
Email: RTBoyle@nccde.org
Deeds, Mortgages, Satisfactions
and other Recorded Documents

Edward Dale, Office Administrator
NCC Recorder of Deeds Office
Phone: (302) 395-7739
Email: EDale@nccde.org
Transfer Tax, Maps and Microfilm

Office Hours :

Mon. - Fri. 8:30 a.m. - 4:15 p.m.

Location:

800 North French Street,
4th Floor
Wilmington, DE 19801

Contact Us:

Main Number :
(302) 395-7700



Important Numbers:

Register of Wills - (302) 395-7800
Clerk of the Peace - (302) 395-7780
Assessment- (302) 395-5520
Land Use - (302) 395-5400
Code Enforcement - (302) 395-5555