

Article 5 Sec. 20. Texas Constitution

COUNTY CLERK. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners Court, until the next general election; provided, that in counties having a population of less than 8,000 persons there may be an election of a single Clerk, who shall perform the duties of District and County Clerks.

(Amended Nov. 2, 1954.)

Texas Local Government Code:

Sec. 81.004. SEAL. (a) The commissioners court shall have a seal on which is engraved:

- (1) the words "Commissioners Court, (name of county) County, Texas"; and
- (2) a five-pointed star or a design selected by the court and approved by the secretary of

state.

(b) The clerk shall keep the seal and use it to authenticate official acts of the court or its presiding officer or clerk that require a seal for authentication.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

(Sec. 81.024. DISTRICT AND COUNTY COURT SEALS. The commissioners court shall provide the seals required by law for district and county courts.)

Sec. 191.001. COUNTY RECORDER; SEAL; GENERAL DUTIES. (a) As provided by Article V, Section 20, of the Texas Constitution, the county clerk of a county serves as the county recorder.

(b) The county clerk shall use the county court seal to authenticate all of the clerk's official acts as county recorder. The clerk may affix the seal on an original document by stamp, electronic means, facsimile, or other means that legibly reproduces all of the required elements of the seal for the purposes of reproduction.

(c) The county clerk shall record, exactly, without delay, and in the manner provided by this subtitle, the contents of each instrument that is filed for recording and that the clerk is authorized to record.

(d) The county clerk shall keep the records properly indexed and arranged as provided by this subtitle.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1248, Sec. 49, eff. Sept. 1, 1989 Amended by: Acts 2013, 83rd Leg., R.S., Ch. 946 (H.B. 1728), Sec. 4, eff. June 14, 2013.

Sec. 193.001. MANNER OF RECORDING. (a) The county clerk shall record instruments filed for recording in the order that they are filed. The clerk shall record each instrument with any acknowledgment, proof, affidavit, or certificate that is attached to it.

(b) The clerk shall note at the foot of the record the date and time that the instrument was filed for recording, but if the instrument was recorded electronically the clerk may note on the first page of the instrument the recording information, including the date and time.

(c) If an instrument that is filed for recording is acknowledged or proved in the manner prescribed by law for record, the clerk shall make a record of the names of the parties to the instrument in alphabetical order, the date of the instrument, the nature of the instrument, and the time that the instrument was filed. If required, the clerk shall give the person who files the instrument a receipt stating this information.

(d) The clerk shall certify under the clerk's signature and **seal** of office the date and time that the instrument is recorded and the specific location in the records at which the instrument is recorded. After recording the instrument, the clerk shall deliver the instrument to the person who is entitled to it.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987 Amended by: Acts 2007, 80th Leg., R.S., Ch. 86 (S.B. [580](#)), Sec. 1, eff. May 14, 2007.

GOVERNMENT CODE

Sec. 25.0011. SEAL. The **seal** of each **statutory county court** is the same as that provided by law for a county court except that the **seal** must contain the name of the statutory county court as it appears in this chapter.

Sec. 25.0031. SEAL. The **seal** of each **statutory probate court** is the same as that provided by law for a county court except that the **seal** must contain the name of the statutory probate court as it appears in this chapter.

Sec. 26.005. SEAL. (a) Each **county court** shall be provided with a **seal** that has a star with five points engraved in the center. The **seal** must also have "County Court of _____ County, Texas" engraved on it.

(b) The **seal** shall be impressed on all process other than subpoenas issued out of the court and shall be used to authenticate the official acts of the county clerk and county judge. The **seal** may be created using electronic means, including by using an optical disk or another electronic reproduction technique, if the means by which the **seal** is impressed on an original document created using the same type of electronic means does not allow for changes, additions, or deletions to be made to the document.

(c) The signature of the county clerk may be affixed on an original document using electronic means, provided those means meet the requirements described by Subsection (b).

(d) A **seal** impressed or a signature affixed by electronic means may be delivered or transmitted electronically.

Sec. 27.059. JUSTICE OF THE PEACE SEAL. (a) The commissioners court shall furnish to each justice of the peace a **seal** that has a star with five points in the center. The **seal** must also have "Justice Court, _____ County, Texas" and any applicable precinct number on it.

(b) The **seal** may be attached to all process other than subpoenas issued out of the justice court and may be used to authenticate the official acts of the justice clerk and the justice of the peace.

(c) The **seal** may be affixed by a **seal** press or stamp that embosses or prints the **seal**.

Added by Acts 1991, 72nd Leg., ch. 747, Sec. 1, eff. Sept. 1, 1991. Renumbered from Sec. 27.058 by Acts 1991, 72nd Leg., 1st C.S., ch. 14, Sec. 8.01(12), eff. Nov. 12, 1991.

SUBCHAPTER D. DISTRICT CLERKS

Sec. 51.301. VACANCY; BOND; *SEAL*; SIGNATURE OF CLERK. (a) If a vacancy occurs in the office of district clerk, the vacancy shall be filled by the district judge of the county.

(b) If a vacancy in the office of district clerk occurs in a county that has two or more district courts, the vacancy shall be filled by agreement of the judges of the courts. If the judges cannot agree on an appointee, they shall certify that fact to the governor, who shall order a special election to fill the vacancy.

(c) An appointee to fill a vacancy in the office of district clerk must qualify and give a bond.

(d) Each district clerk shall be provided with a *seal* for the district court. The *seal* must have a five-pointed star and must be engraved with the words "District Court of _____ County, Texas." The *seal* shall be impressed on all process issued by the court except subpoenas and shall be kept and used by the clerk to authenticate official acts. The *seal* may be created using an electronic means, including by using an optical disk or another electronic reproduction technique, if the means by which the *seal* is impressed on an original document created using the same type of electronic means does not allow for changes, additions, or deletions to be made to the document.

(e) The signature of the district clerk may be affixed on an original document using electronic means, provided that the means by which the signature is affixed meets the requirements of Subsection (d) with respect to creating a *seal* by electronic means.

(f) A *seal* impressed or a signature affixed by electronic means may be delivered or transmitted electronically.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by: Acts 2007, 80th Leg., R.S., Ch. 25 (S.B. [229](#)), Sec. 1, eff. September 1, 2007. Acts 2007, 80th Leg., R.S., Ch. 25 (S.B. [229](#)), Sec. 2, eff. September 1, 2007.

COMBINATION CLERKS

Sec. 51.502. *SEAL*. A joint clerk performing the duties of the district clerk and the county clerk shall use the district court *seal* to authenticate official acts for the district court and the county court *seal* to authenticate official acts for the county court.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

CERTIFIED COPIES

Chap. 51 GC, which includes fee subsections, describes "**certified copy**" to include a "certificate AND SEAL" for the district clerk (Subsection 51.318, below).

Sec. 51.318. FEES DUE WHEN SERVICE PERFORMED OR REQUESTED. (a) In addition to a fee under Section 51.317 the district clerk shall collect at the time the service is performed or at the time the service is requested the fees provided by Subsection (b) for services performed by the clerk.

(b) The fees are:

(1) for issuing a subpoena, including one copy . . . \$8

(2) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law . . . \$8

(3) for searching files or records to locate a cause when the docket number is not provided \$5

(4) for searching files or records to ascertain the existence of an instrument or record in the district clerk's office . . . \$5

(5) for abstracting a judgment . . . \$8

(6) for approving a bond . . . \$4

(7) for a **certified copy** of a record, judgment, order, pleading, or paper on file or of record **in the district clerk's office, including certificate and seal**, for each page or part of a page . . . not to exceed \$1

(8) for a noncertified copy, for each page or part of a page . . . not to exceed \$1.

Corresponding statutes for County Clerks Chap. 118 LGC -

Sec. 118.011. FEE SCHEDULE. (a) A county clerk shall collect the following fees for services rendered to any person:

(3) Certified Papers (Sec. 118.014):

for the clerk's **certificate** \$ 5.00

plus a fee for each page or part of a page \$ 1.00

Sec. 118.014. CERTIFIED PAPERS. (a) The fees for "Certified Papers" under Section 118.011 are for the **county clerk's certificate that shall be placed on each page or part of a page**, and a fee for copying each page or part of a page, of a notice, statement, license, or document that the clerk is authorized or required to issue. The fees must be paid at the time the order is placed.

(b) The fee does not apply to:

(1) a certified document for the issuance of which this subchapter prescribes another fee;

(2) a certified copy of map records or condominium records; or

(3) a license for which the fee for issuance is specifically provided by other statute.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 451, Sec. 1, eff. Sept. 1, 1993.

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(B) Certified Papers (Sec. 118.060): for the clerk's **certificate** . . . \$ 5.00
plus a fee per page or part of a page of . . . \$ 1.00

Sec. 118.060. **CERTIFIED PAPERS, NO RETURN REQUIRED.** (a) The fees for "Certified Papers" under Section 118.052(3) are for the **county clerk's certificate that shall be placed on each page or part of a page, and** a fee for copying each page or part of a page, of a notice, statement, transcript, or other document authorized or required to be issued by the clerk.

(b) The fee must be paid at the time the order is placed.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 451, Sec. 3, eff. Sept. 1, 1993.

COUNTY CLERK MANUAL

E. CERTIFIED COPIES

The County Clerk is often called upon to provide a certified copy, also known as an "attested copy," of an instrument as proof that the instrument is part of the public record. These certified copies are often used to prove ownership of property, personal identity, and other important matters. The Clerk, by affixing his or her seal and signature, swears that the copy is a true and exact replica of the recorded instrument in its entirety. The following format is often used in certifying a copy:

*Local Gov't Code
Sec. 191.004
Sec. 191.005*

I _____, County Clerk do hereby certify that the above and foregoing is a true and correct copy of _____ as placed on file in my office on _____ and of record in Volume _____, page _____ of the _____ records of _____ County. Witness my hand and seal of office this _____ day of _____, 20__.

NOTE: Most Clerks who scan instruments do not designate the location of documents by a particular volume and page. Thus, in certifying a copy of an instrument, the Clerk will generally make reference to an instrument number.

NOTE: A County Clerk has discretion to determine whether the seal placed on every page of the document must be raised. A document that bears a Clerk's certificate is a certified document.

*A.G. Op.
GA-0404 (2006)*

NOTE: Placing a stamp on each page helps to prevent fraudulent pages from being inserted into the document.

DISTRICT CLERK MANUAL

a. Certified Copies Generally

Often, District Clerks are asked to provide not only a copy of a particular record but a "certified copy" of the record. A certified copy is a duplicate of an original document that is certified by the District Clerk as an exact reproduction of the original document.

The fee for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the District Clerk's office, including certificate and seal, for each page or part of a page, is not to exceed \$1.00. The Clerk is not to charge any additional amount for labor, materials or overhead no matter how many pages are in the document.

*Gov't Code
Sec. 51.318(b)(7)
HB 627
SB 1233
(82nd Leg.)*

The Clerk is to collect the fee at the time the copy is requested or at the time the copy is provided.

*Gov't Code
Sec. 101.0611*