

Exhibit 5

Cuyahoga County Fiscal Officer's Electronic Recording Standards

Definitions:

As used in the following:

- (A) "County" means Cuyahoga County Ohio Recorder's Office.
- (B) "Company" includes title companies, mortgage bankers, full-service banks, attorneys, and other entities wishing to Electronically File with the Cuyahoga County Recorder's Office.
- (C) "Kofile" means software provider for the County.
- (D) "TIFF Image" means TIFF Group 4 image file format.
- (E) "PDF Image" means (Portable Document Format)

Cuyahoga County desires to offer recording of real property documents by receiving and transmitting documents electronically in substitution for conventional paper-based documents and to assure that transactions are not legally invalid or unenforceable as a result of the use of available electronic technologies for the mutual benefit of the parties of the transactions.

Electronic Recording is defined based on the model of automation and structure of the transaction. The models of automation that Cuyahoga County will accept are as follows:

- **Model 1:** Submitting organizations transmit scanned images of ink signed documents in PDF or TIFF image file format along with electronic indexing information to the county. The county performs an electronic examination of the imaged documents and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned electronically to the submitting organization along with the electronic recording data. Model 1 eRecording does not include the use of digital signature technology. Users rely on the authentic "wet" signature and/or notary stamp/seal already applied to the document prior to the TIFF/PDF image being created.
- **Model 2:** Submitting organizations transmit documents which have been created, signed and notarized electronically along with the electronic indexing information. Electronic signatures must comply with Uniform Electronic Transaction Act (UETA), Ohio Revised Code 1306 and E-Sign specifications. The county performs an electronic examination of the imaged documents and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned electronically to the submitting organization along with the electronic recording data.

Program Eligibility

Title Companies, Mortgage Bankers, Full-Service Banks, Attorneys, and other trusted entities may, submit real property records for electronic recording through Kofile's Vanguard Cloud System. Electronic Recording mandates a close working relationship as well as mutual trust between the County and the submitting entity. All parties of the Electronic Recording transaction desire to operate and maintain a secure recording system that safeguards parties to recordation from deceit, fraud, and forgery.

Participation in the Electronic Recording program is voluntary and the decision to do so is a business judgment. Individuals and organizations electing not to participate will receive service at the same level prevailing at the outset of the program. Companies must register and be approved by the County prior to submitting documents for processing.

There will be no additional fees or costs of any kind charged by Cuyahoga County for using the Electronic Recording option. Submitters are responsible for all conveyance, transfer & recording fees required by Ohio Revised Codes 317.32 & 319.54. Kofile Technologies will charge a \$5.00 convenience fee per receipt.

County Requirements

For each document, Cuyahoga County's specific document code will be provided along with the required indexing information. Cuyahoga County will reject and return any transactions that do not meet the document and indexing specifications required in the system.

Electronic Recordings will be accepted in the Cuyahoga County Fiscal Office between the hours of 8:30 a.m. and 4:00 p.m. Eastern Time. Electronic documents received after this time will be processed the following business day. Neither party shall be liable for any failure to perform processing of the transactions and documents where such failure is beyond the party's reasonable control, including, without limitation, any mechanical, electronic or communication failure which prevents the parties from transmitting or receiving the electronic recording transactions.

Documents are submitted to the Cuyahoga County Fiscal Office in "batches" A batch is a document or group of documents that are submitted as one transaction to the Cuyahoga County Recorder. If you submit more than one document in a batch and any of the documents are rejected, the submitter will have the option of authorizing the county to proceed processing the balance of the batch without the rejected document(s).

Plat Map filings should be submitted for pre-approval to the Surveying Department of the Fiscal Office in as a PDF document. After it is approved for closure, and it is confirmed that the plat meets all Cuyahoga County Conveyance Standards. The final version, signed by all parties as described under the above referenced Model 1 or 2, will be processed.

The Cuyahoga County eRecording program runs in a "real time" environment. This means that once we accept the document for recording, it is available to the public for viewing. You will receive confirmation that the document was recorded in our office after it has been accepted.

If we reject a document for recording, you will receive the document back unrecorded with an explanation for rejection.

Documents submitted to our office for electronic recording must meet the following:

- Names must be printed or typed on the document under the signature if the signature is illegible. (ORC 317.11)
- If the document is notarized in the State of Ohio, it must state who it was prepared by. (ORC 317.111)
- The entire document must be sufficiently legible to permit reproduction. (ORC 317.112)
- The document must be in English. If any part of the document is in a different language, it must be accompanied by an English translation. (ORC 317.113) Documents must be notarized and state the notary's name, state and commission expiration date.
- A current legal description of the real estate must be included with all transfer documents.
- Satisfactions of Mortgage and Assignments of Mortgage must include the book/page and/or AFN number of the mortgage it is relating to.
- Assignments must include the address of the Assignee. (ORC 5301.31)
- Documents are to be redacted of all personal identifying information, (ORC 149.45)

PLAT Recording Requirements

- All Plat Maps must be submitted (along with any associated deeds) by Company for prior approval by the County Surveyor.
- Company (Title company; Attorney; or Surveyor) will submit a PDF or TIFF file of the proposed Plat Map for review by the County Surveyor through the Kofile system.
- Once reviewed by the Fiscal Office Surveyor Department, the Company will be notified if any amendments or revisions are required. If revisions are necessary Company will re-submit revised updated file(s) for approval.
- Once approved, the Company can then submit the final signed .PDF version of the Plat Map for recording through the Kofile System.

Company Responsibilities

Company acknowledges that Electronic Recording permits them to prepare, sign and/or transmit documents in electronic formats and the documents shall be considered as the "original" record of the transaction in substitution for, and with the same intended effect as, paper documents.

By use of electronic or digital certificates to sign documents, Company intends to be bound by those electronic signatures affixed to any documents and such electronic signature shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

By use of digital certificates to seal electronic files containing images of original paper or documents bearing manual signatures, Company shall recognize such sealed images for all purposes as fully as the original paper documents and shall be responsible for any failure by Users to comply with quality control procedures for assuring the accuracy and completeness of the electronic files.

The Company and or its employees attest to the accuracy and completeness of the electronic records and acknowledge responsibility for the content of the documents submitted through the Electronic Recording Program. Should a dispute or legal action arise concerning an electronic transaction, Cuyahoga County will be held harmless and not liable for any claims or damages.

Company is responsible for the costs of the system or services provided by Kofile or other third-party vendors that enable Company to meet the Electronic Recording Program requirements.

Third Party Provider Requirements

All third-party providers must work in conjunction with Cuyahoga County's eRecording Vendor. Cuyahoga County is currently using Kofile Technology.

Payment of Recording Fees

Electronic Fund Transfer system will be the method of payment. The County will collect conveyance & recording fees pursuant to Ohio Revised Code 317.32 & 319.54 utilizing the Kofile eRecording platform and the Account Clearing House (ACH) network which will deposit recording fees into the specified account with the Cuyahoga County Treasurer's Office on the following business day.

All ACH payment procedures and reports must be approved by the Cuyahoga County Fiscal Officer and the County's eRecording vendor.

General Understanding

The Company shall be solely liable for the information electronically transmitted by or on behalf of the Company and for any breach of security, fraud, or deceit as a result of Electronic Recording.

The Company shall be solely liable for any special, incidental, exemplary or consequential damages arising from or because of any delay, omission or error in the Electronic Recording transmission or receipt.

Any questions regarding eRecording in Cuyahoga County can be addressed to

Brian O'Malley, Administrator - (216) 443-7085 or bmomalley@cuyahogacounty.us.



CUYAHOGA COUNTY FISCAL OFFICE

TRANSFER & RECORDING DIVISION

2079 East 9th Street, Cleveland, Ohio 44115 * 216-443-7010

E-RECORDING APPLICATION

Automatic Withdrawal for Conveyance/Recording Fees

CUSTOMER INFORMATION

Company/Firm Name: _____

Authorized signer: _____

Address: _____ City: _____ Zip: _____

Office Phone: _____ Mobile Phone: _____

E-Mail Address: _____

National Insurance Provider Registry No: _____

Ohio Supreme Court Attorney Registration No: _____

FINANCIAL INSTITUTION INFORMATION

Name of Institution: _____

Routing No: _____

Account No: _____

I authorize Cuyahoga County Treasurer to instruct my financial institution to make automated conveyance and/or recording fee payments from the account cited above. I understand that I control my payments, and if at any time I decide to discontinue this payment service, I will notify the County Fiscal Officer in writing. I understand that if a payment is returned for non-sufficient funds or an automatic withdrawal is rejected by my banking institution for lack of funds, I am still obligated to pay the conveyance/recording fees owed for the processing of electronic recording submissions and will be subject to any and all collection methods permitted by Ohio law.

I understand that if any automatic withdrawal is rejected by my banking institution for lack of funds I shall be charged \$10.00 by the Cuyahoga County Treasurer.

Authorized Signer: _____ Date _____

COUNTY USE ONLY

Company in good standing with Ohio Secretary of State:

Company License current with Ohio Department of Insurance:

Attorney in good standing with Bar Association:

Bank status active with FDIC:

Surveyor in good standing

standing with Ohio Board

of Engineers & Surveyors:

Approved By: _____ Date: _____