

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

DEBORAH A. RICKETTS et al.,

Plaintiffs and Appellants,

v.

CONNY B. MCCORMACK et al.,

Defendants and Respondents;

JOEL ROSENBERG,

Intervener and Appellant.

B210123

(Los Angeles County
Super. Ct. Nos. BC318044)

ORDER MODIFYING OPINION
AND DENYING REHEARING
(NO CHANGE IN JUDGMENT)

THE COURT:

It is ordered that the opinion filed herein on September 24, 2009 be modified as follows:

1. On page 10, after the sentence ending “a bar code, a permanent recording number and the words ‘Recorded/Filed in Official Records.’” add as footnote 9 the following footnote, which will require renumbering of all subsequent footnotes:

⁹ Relying on the language of Government Code section 27322—“The recorder shall record by legible handwriting, by typewriting, or by photographic reproduction process, in well-bound books or by such other means”—Ricketts and Rosenberg additionally argue the Recorder’s failure to “copy” the original document presented for recording within two business days means the document has not been properly recorded. Because this argument was not presented to the trial court, it is forfeited. (See, e.g., *Cable Connection, Inc. v.*

DIRECTV, Inc. (2008) 44 Cal.4th 1334, 1350, fn. 12; *Richmond v. Dart Industries, Inc.* (1987) 196 Cal.App.3d 869, 873-874.)

In any event, their contention ignores the reality of modern recording procedures and thus lacks merit. As discussed, the trial court expressly found certified copies of the reconveyance could be obtained from the point of filing if the requestor has the recording number assigned to the document or within 24 hours by reviewing “grey film” or “blotter film” pending entry of a digital image of the document into the indexed database. In other words, the information contained in the document presented for recording is available to the public from the moment the document is stamped and the lead sheet is generated. These procedures are fully compliant with the Legislature’s attempt to reconcile the impact of modern technology on recording procedures. (See, e.g., Gov. Code, §§ 27322.2 [“[a] system of microphotography, optical disk, or reproduction by any other technique that does not permit additions, deletions, or changes to the original document may be used by the recorder as a photographic reproduction process”]; 27322.4 [“The county recorder may cause any or all files or records in his or her official custody to be microphotographed or otherwise reproduced pursuant to Section 27322.2 as in the case of original filings or recordings or both. Every reproduction shall be deemed and considered an original; and a transcript, exemplification or certified copy, as the case may be, of the original.”].)

There is no change in the judgment. Appellant’s petition for rehearing is denied.

PERLUSS, P. J.

ZELON, J.

JACKSON, J.