CHAPTER 143
SENATE BILL 1043

AN ACT
AMENDING SECTIONS 11-475, 11-475.01, 11-1132 AND 27-208, ARIZONA REVISED STATUTES; RELATING TO COUNTY RECORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-475, Arizona Revised Statutes, is amended to read:

11-475. Fees; exemption

A. The county recorder shall receive the following fees:

1. For recording papers required or authorized by law to be recorded, if the fee is not otherwise specified in this section, five THIRTY dollars for the first five pages plus one dollar for each additional page. In no case shall the charge for additional pages exceed two hundred fifty dollars PER INSTRUMENT.

2. For recording papers to which the United States, this state or a political subdivision thereof OF THIS STATE, including cities, towns and irrigation, drainage and electrical districts, is a party, when recorded at the request of the United States, this state or the political subdivision, three FIFTEEN dollars for the first five pages, plus fifty cents for each additional page, such fee to apply only if the fee is to be paid from public monies. Those fees due the county recorder from the state for recording papers may be paid on a monthly basis PER INSTRUMENT.

3. For preparing and certifying copies of a record in the recorder's office, one dollar for each page or partial page. In addition for attaching the recorder's certificate and seal, three dollars.

4. For issuing a certificate pursuant to section 47-9523, ten dollars for each name, plus one dollar for each financing statement or statement of assignment reported therein.

5. Fifteen dollars for each deed that transfers, conveys or affects an interest in real property.

6. Twenty-five dollars for each deed of trust or mortgage.

7. Ten dollars for each release of a deed of trust or mortgage.

B. A person recording a deed of trust or mortgage for residential property constructed for at least one family but not more than four families shall include "residential 1-4" in the caption heading on the first page of each document. Failure to comply with this subsection does not affect the validity of the document or the validity of the recording of the document.

C. The fees provided in subsection A, paragraphs 5, 6 and 7 of this section include the amount charged pursuant to subsection G of this section and section 11-475.01.

D. The standard fee shall be charged for the first indexing category indicated by the caption of any instrument. Three dollars shall be charged for each additional indexing category on the same instrument.

E. The standard fee shall be charged for the first assignment, partial assignment, release, partial release or other modification of any instrument. Three dollars shall be charged for each additional transaction on the same instrument.

F. Notwithstanding subsection A, paragraph 3 of this section, the recorder shall prepare and furnish copies and certifications at
one-half of the established fee when requested by any state agency for
official purposes.

G. One dollar shall be charged for each instrument if the recorder
is required to deliver the instruments by mail. The fee collected
pursuant to this subsection shall be deposited into the county general
fund.

H. D. The county recorder shall not receive a fee for performing
the duties prescribed by this section for an office, agency or department
of the county where the document is to be recorded. This exemption shall
apply only when such THE fees would otherwise be paid from public monies.

Sec. 2. Section 11-475.01, Arizona Revised Statutes, is amended to
read:

11-475.01. Document storage and retrieval conversion and
maintenance fund; purpose

A. THE document storage and retrieval conversion and maintenance
fund is established in each county consisting of monies received pursuant
to subsection C OF THIS SECTION.

B. The board of supervisors shall administer the fund and, in
cooperation with the county recorder, expend monies in the fund in order
to defray the cost of converting the county recorder's document storage
and retrieval system to micrographics or computer automation. Monies in
the fund may only be used for purchasing hardware and software, training
employees to operate the system, maintaining the system, purchasing
equipment maintenance agreements and updating the system hardware or
software for the county recorder's office. Monies in the fund shall not
be expended for expenses other than for the support of the county
recorder's automation system. If the expenditures are determined by the
auditor general to be improper and inconsistent with this section, the
county general fund shall reimburse the document storage and retrieval
conversion and maintenance fund for all improper and inconsistent
expenditures.

C. In addition to any other fee charged pursuant to this article,
the board of supervisors may assess a special recording surcharge of not
to exceed four dollars for each instrument, paper or notice filed with the
county recorder. All monies received pursuant to this subsection shall be
transmitted to the county treasurer and placed in the document storage and
retrieval conversion and maintenance fund.

D. THE SPECIAL RECORDING SURCHARGE PRESCRIBED IN SUBSECTION C OF
THIS SECTION IS INCLUDED IN THE AMOUNT CHARGED PURSUANT TO SECTION 11-475,
SUBSECTION A.

D. E. The county recorder shall annually submit to the board of
supervisors the amount of projected revenues to be raised for the document
storage and retrieval conversion and maintenance fund pursuant to this
section. If projected revenues of the fund are deemed insufficient to pay
for conversion costs, fund monies may accumulate until sufficient monies
are available in the fund.
Sec. 3. Section 11-1132, Arizona Revised Statutes, is amended to read:

11-1132. Real estate transfer fee; collection; disposition of proceeds
A. Before recording a deed or contract relating to the sale or transfer of real property, the county recorder shall collect a fee of two dollars for the deed or contract, in addition to the fee collected pursuant to section 11-475.
B. THE FEE PRESCRIBED IN SUBSECTION A OF THIS SECTION IS INCLUDED IN THE AMOUNT CHARGED PURSUANT TO SECTION 11-475, SUBSECTION A.
C. The county shall retain all monies collected pursuant to this section in the same manner as monies collected under section 11-475.

Sec. 4. Section 27-208, Arizona Revised Statutes, is amended to read:

27-208. Affidavit of annual work; affidavit of claim maintenance fee payment; fees
A. Before December 31 of any year in which the performance of annual labor or making improvements or the payment of claim maintenance fees on a mining claim is required, the person on whose behalf the work or improvement or payment was made, or the person's representative, knowing the facts, may make and record in the office of the county recorder of the county in which the claim is located an affidavit of annual work or an affidavit of claim maintenance fee payment.
B. The affidavit of annual work must state in substance the following:

State of Arizona, county of ____________________ ss:
________________________________, being duly sworn, deposes and says that: I am a citizen of the United States and at least eighteen years of age. I reside at ____________________, in ______________ county, Arizona. I am personally acquainted with the mining claim known as ____________________ mining claim, situated in ______________ mining district, ______________ county, Arizona, the location notice of which is recorded in the office of the county recorder of that county at [county recorder information]. Between the ______ day of _______________, ______________, and the ______ day of _______________, ______________, at least ____________________ dollars worth of work and improvements were done and performed on the claim, not including the location work of the claim. Such work and improvements were made by and at the expense of ____________________, owners of the claim, for the purpose of complying with the laws of the United States pertaining to assessment or annual work, and ____________________ (here name the miners).
or persons who worked on the claim) were the persons who are employed by the owner and who labored on the claim, doing the work and improvements as follows: (Here describe the work done and add signature and verification.)

C. The affidavit of claim maintenance fee payment must state in substance the following:

State of Arizona, county of ______________ ss: ___________________________________, being duly sworn, deposes and says that: I am a citizen of the United States and at least eighteen years of age. I reside at ______________________, in ______________________ county, Arizona. I am personally acquainted with the mining claim known as ______________________ mining claim, situated in ______________________ mining district, __________ county, Arizona, the location notice of which is recorded in the office of the county recorder of that county at [county recorder information]. A claim maintenance fee of ______________________ dollars was paid by or at the expense of ______________________, owners of the claim, instead of recording an affidavit of annual work for the purpose of complying with the laws of the United States and holding the claim. (Here add signature and verification.)

D. The affidavit of annual work or the affidavit of claim maintenance fee payment when recorded shall be prima facie evidence of the performance of the labor or improvements or of claim maintenance fee payment. Any affidavit shall include, if known to the locator, the identification of the section, township and range in which the notice of location of the claim is posted.

E. When annual work or improvements or claim maintenance fee payment is done on one or more of a contiguous group of claims for the benefit of all, or wholly or partly outside of a contiguous group of claims for the benefit of all, all claims may be included in a single affidavit.

F. In addition to the fees required under section 11-475 for recording of documents, the county recorder, before recording the affidavit of annual work or the affidavit of claim maintenance fee payment, shall collect from the person recording the affidavit a fee in the sum of five dollars. For each separate affidavit of annual work or affidavit of claim maintenance fee payment recorded, the county recorder, by the tenth day of each month, shall forward to the state treasurer for deposit in the state general fund eighty per cent of the monies FOUR DOLLARS OF EACH TOTAL FEE collected pursuant to this subsection SECTION 11-475 during the previous month.

Sec. 5. Effective date

This act is effective from and after June 30, 2019.