

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 11-475. Fees; exemption

5 A. The county recorder shall receive the following fees:

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

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

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

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

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

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

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

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

35 ~~C. B. The fees provided in subsection A, paragraphs 5, 6 and 7 1~~
36 ~~AND 2 of this section include the amount charged pursuant to subsection 6~~
37 ~~of this section and section 11-475.01.~~

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

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

45 ~~F. C. Notwithstanding subsection A, paragraph 3 of this section,~~
46 the recorder shall prepare and furnish copies and certifications at

1 one-half of the established fee when requested by any state agency for
2 official purposes.

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

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

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

13 11-475.01. Document storage and retrieval conversion and
14 maintenance fund; purpose

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

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

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

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

41 ~~D.~~ E. The county recorder shall annually submit to the board of
42 supervisors the amount of projected revenues to be raised for the document
43 storage and retrieval conversion and maintenance fund pursuant to this
44 section. If projected revenues of the fund are deemed insufficient to pay
45 for conversion costs, fund monies may accumulate until sufficient monies
46 are available in the fund.

1 Sec. 3. Section 11-1132, Arizona Revised Statutes, is amended to
2 read:

3 11-1132. Real estate transfer fee; collection; disposition of
4 proceeds

5 A. Before recording a deed or contract relating to the sale or
6 transfer of real property, the county recorder shall collect a fee of two
7 dollars for the deed or contract, ~~in addition to the fee collected~~
8 ~~pursuant to section 11-475.~~

9 B. THE FEE PRESCRIBED IN SUBSECTION A OF THIS SECTION IS INCLUDED
10 IN THE AMOUNT CHARGED PURSUANT TO SECTION 11-475, SUBSECTION A.

11 ~~B.~~ C. The county shall retain all monies collected pursuant to
12 this section in the same manner as monies collected under section 11-475.

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

15 27-208. Affidavit of annual work; affidavit of claim
16 maintenance fee payment; fees

17 A. Before December 31 of any year in which the performance of
18 annual labor or making improvements or the payment of claim maintenance
19 fees on a mining claim is required, the person on whose behalf the work or
20 improvement or payment was made, or the person's representative, knowing
21 the facts, may make and record in the office of the county recorder of the
22 county in which the claim is located an affidavit of annual work or an
23 affidavit of claim maintenance fee payment.

24 B. The affidavit of annual work must state in substance the
25 following:

26 State of Arizona, county of _____ ss:
27 _____, being duly sworn, deposes
28 and says that: I am a citizen of the United States and at
29 least eighteen years of age. I reside at
30 _____, in _____ county, Arizona. I
31 am personally acquainted with the mining claim known as
32 _____ mining claim, situated in
33 _____ mining district, _____ county,
34 Arizona, the location notice of which is recorded in the
35 office of the county recorder of that county at [county
36 recorder information]. Between the _____ day of
37 _____, _____, and the _____
38 day of _____, _____, at least
39 _____ dollars worth of work and
40 improvements were done and performed on the claim, not
41 including the location work of the claim. Such work and
42 improvements were made by and at the expense of
43 _____, owners of the claim, for the
44 purpose of complying with the laws of the United States
45 pertaining to assessment or annual work, and
46 _____ (here name the miners

1 or persons who worked on the claim) were the persons who are
2 employed by the owner and who labored on the claim, doing the
3 work and improvements as follows: (Here describe the work
4 done and add signature and verification.)

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

7 State of Arizona, county of _____ ss:
8 _____, being duly sworn, deposes
9 and says that: I am a citizen of the United States and at
10 least eighteen years of age. I reside at
11 _____, in _____ county, Arizona.
12 I am personally acquainted with the mining claim known as
13 _____ mining claim, situated in
14 _____ mining district, _____ county,
15 Arizona, the location notice of which is recorded in the
16 office of the county recorder of that county at [county
17 recorder information]. A claim maintenance fee of
18 _____ dollars was paid by or at the
19 expense of _____, owners of the claim,
20 instead of recording an affidavit of annual work for the
21 purpose of complying with the laws of the United States and
22 holding the claim. (Here add signature and verification.)

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

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

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

44 Sec. 5. Effective date

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

S.B. 1043

APPROVED BY THE GOVERNOR APRIL 5, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2018.