

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 103
HOUSE BILL 2443

AN ACT

AMENDING SECTION 33-422, ARIZONA REVISED STATUTES; RELATING TO CONVEYANCES
AND DEEDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 33-422, Arizona Revised Statutes, is amended to
3 read:

4 33-422. Land divisions; recording; disclosure affidavit

5 A. A seller of five or fewer parcels of land, other than subdivided
6 land, in an unincorporated area of a county and any subsequent seller of
7 such a parcel shall furnish a written affidavit of disclosure to the
8 buyer, at least seven days before the transfer of the property, and the
9 buyer shall acknowledge receipt of the affidavit.

10 B. The affidavit must be written in ~~twelve point~~ TWELVE-POINT type.

11 C. ~~No~~ A release or waiver of a seller's liability arising out of
12 any omission or misrepresentation contained in an affidavit of disclosure
13 is NOT valid or binding on the buyer.

14 D. The buyer has the right to rescind the sales transaction for a
15 period of five days after the affidavit of disclosure is furnished to the
16 buyer.

17 E. The seller shall record the executed affidavit of disclosure at
18 the same time that the deed is recorded. The county recorder is not
19 required to verify the accuracy of any statement in the affidavit of
20 disclosure. A subsequently recorded affidavit supersedes any previous
21 affidavit.

22 F. The affidavit of disclosure shall meet the requirements of
23 section 11-480 and follow substantially the following form:

24 When recorded mail to:

25 _____
26 _____
27 _____
28 _____

29 Affidavit of Disclosure
30 Pursuant to A.R.S. § 33-422

31 I, _____ (seller(s))
32 being duly sworn, hereby make this affidavit of disclosure
33 relating to the real property situated in the unincorporated
34 area of:

35 _____, County, State of Arizona, located at:

36 _____
37 and legally described as:

38 (Legal description attached hereto as exhibit "A")
39 (property).

40 1. There is is not legal access to the property,
41 as defined in A.R.S. § 11-831 unknown

42 Explain: _____
43 _____
44 _____

- 1 2. There is is not physical access to the property.
2 unknown
3 Explain: _____
4 _____
5 _____
- 6 3. There is is not a statement from a licensed
7 surveyor or engineer available stating whether the property has
8 physical access that is traversable by a two-wheel drive
9 passenger motor vehicle.
- 10 4. The legal and physical access to the property is is not
11 the same.... unknown not applicable.
12 Explain: _____
13 _____
14 _____
- 15 *If access to the parcel is not traversable by emergency*
16 *vehicles, the county and emergency service providers may not*
17 *be held liable for any damages resulting from the inability to*
18 *traverse the access to provide needed services.*
- 19 5. The road(s) is/are publicly maintained privately
20 maintained not maintained not applicable. If
21 applicable, there is is not a recorded road
22 maintenance agreement.
23 *If the roads are not publicly maintained, it is the*
24 *responsibility of the property owner(s) to maintain the roads*
25 *and roads that are not improved to county standards and*
26 *accepted for maintenance are not the county's responsibility.*
- 27 6. A portion or all of the property is is not
28 located in a FEMA designated regulatory floodplain. If the
29 property is in a floodplain, it may be subject to floodplain
30 regulation.
- 31 7. The property is is not subject to fissures or
32 expansive soils. unknown
33 Explain: _____
34 _____
35 _____
- 36 8. The following services are currently provided to the property:
37 water sewer electric natural gas single
38 party telephone cable television services.
- 39 9. The property is is not served by a water
40 supply that requires the transportation of water to the
41 property.
- 42 10. The property is served by a private water company a
43 municipal water provider a private well a shared well
44 no well. If served by a shared well, the shared well

1 is is not a public water system, as defined by
2 the safe drinking water act (42 United States Code § 300f).

3 *Notice to buyer: If the property is served by a well, a*
4 *private water company or a municipal water provider the*
5 *Arizona department of water resources may not have made a*
6 *water supply determination. For more information about water*
7 *supply, contact the water provider.*

8 11. THE PROPERTY OR THE WATER USED ON THE PROPERTY IS IS NOT
9 THE SUBJECT OF A STATEMENT OF CLAIMANT FOR THE USE OF WATER IN
10 A GENERAL ADJUDICATION OF WATER RIGHTS. UNKNOWN.

11 *THIS IS A LAWSUIT TO DETERMINE THE USE OF AND RELATIVE*
12 *PRIORITY OF WATER RIGHTS. A MAP OF ADJUDICATED AREAS IS*
13 *AVAILABLE AT THE WEBSITE OF THE DEPARTMENT OF WATER RESOURCES.*

14 ~~11.~~ 12. The property does have does not have an
15 on-site wastewater treatment facility (i.e., standard septic or
16 alternative system to treat and dispose of wastewater).
17 unknown. If applicable: a) The property will will not
18 require installation of an on-site wastewater treatment
19 facility; b) The on-site wastewater treatment facility has
20 has not been inspected.

21 ~~12.~~ 13. The property has been has not been subject
22 to a percolation test. unknown.

23 ~~13.~~ 14. The property does does not meet the
24 minimum applicable county zoning requirements of the applicable
25 zoning designation.

26 ~~14.~~ 15. The sale of the property does does not meet
27 the requirements of A.R.S. § 11-831 regarding land divisions.
28 If those requirements are not met, the property owner may not
29 be able to obtain a building permit. The seller or property
30 owner shall disclose each of the deficiencies to the buyer.

31 Explain: _____
32 _____
33 _____

34 ~~15.~~ 16. The property is is not located in the clear zone
35 of a military airport or ancillary military facility, as
36 defined in A.R.S. § 28-8461. (Maps are available at the state
37 real estate department's website.)

38 ~~16.~~ 17. The property is is not located in the high noise
39 or accident potential zone of a military airport or ancillary
40 military facility, as defined in A.R.S. § 28-8461. (Maps are
41 available at the state real estate department's website.)

42 ~~17.~~ 18. Notice: If the property is located within the territory in
43 the vicinity of a military airport or ancillary military
44 facility, the property is required to comply with sound

1 attenuation standards as prescribed by A.R.S. § 28-8482. (Maps
2 are available at the state real estate department's website.)
3 ~~18.~~ 19. The property is is not located under military
4 restricted airspace. unknown. (Maps are available at the
5 state real estate department's website.)
6 ~~19.~~ 20. The property is is not located in a military
7 electronics range as defined in A.R.S. ~~sections~~ § 9-500.28 and
8 § 11-818. unknown. (Maps are available at the state real
9 estate department's website.)
10 ~~20.~~ 21. Use of the property is is not limited in any way
11 relating to an encumbrance of title due to a lis pendens, a
12 court order or a state real estate department order or a
13 pending legal action. If the use of the property is limited
14 due to an encumbrance of title, the seller or property owner
15 shall disclose the limitations to the buyer.

16 Explain: _____
17 _____
18 _____
19

20 This affidavit of disclosure supersedes any previously
21 recorded affidavit of disclosure.

22 I certify under penalty of perjury that the information
23 contained in this affidavit is true, complete and correct
24 according to my best belief and knowledge.

25 Dated this ____ (date) ____ day of ____ (year) ____ by:
26 Seller's name (print): _____ Signature: _____
27 Seller's name (print): _____ Signature: _____
28 State of Arizona)
29) ss.
30 County of _____)

31 Subscribed and sworn before me this ____ (date) ____ day
32 of ____ (year) ____, by
33 _____.
34 _____

35 Notary public

36 My commission expires:
37 _____ (date)

38 Buyer(s) hereby acknowledges receipt of a copy of this
39 affidavit of disclosure this ____ (date) ____ day
40 of ____ (year) ____

41 Buyer's name (print): _____ Signature: _____
42 Buyer's name (print): _____ Signature: _____

1 G. For the purposes of this section, seller and subsequent seller
2 do not include a trustee of a deed of trust who is selling property by a
3 trustee's sale pursuant to ~~title 33~~, chapter 6.1 OF THIS TITLE or any
4 officer who is selling property by execution sale pursuant to title 12,
5 chapter 9 and ~~title 33~~, chapter 6 OF THIS TITLE. If the seller is a
6 trustee of a subdivision trust as defined in section 6-801, the disclosure
7 affidavit required by this section shall be provided by the beneficiary of
8 the subdivision trust.

APPROVED BY THE GOVERNOR APRIL 17, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2019.