

REFERENCE TITLE: state lands; partial tracts; patents

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1207

Introduced by
Senator Pratt

AN ACT

AMENDING SECTION 37-251, ARIZONA REVISED STATUTES; RELATING TO STATE
LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-251, Arizona Revised Statutes, is amended to
3 read:

4 37-251. Issuance of patents for state lands

5 A. ~~Upon~~ ON filing the certificate of purchase, together with
6 evidence of full payment of principal and interest, for the entire tract
7 of land sold, and evidence that all terms and conditions of the
8 certificate of purchase have been satisfied, the department shall issue to
9 the purchaser a patent under the seal of ~~the~~ THIS state, signed by the
10 governor and countersigned by the secretary of state.

11 B. On application by the purchaser, a patent for less than the
12 entire tract may be issued to the purchaser if the commissioner finds that
13 it is in the best interest of the applicable trust, subject to the
14 following:

15 1. The parcel to be patented may consist of one or more pieces of
16 land, described either by metes and bounds or by legal subdivision.

17 ~~2. A patent shall not be issued for less than one-fourth of the~~
18 ~~tract sold or less than ten acres, whichever is smaller, except that:~~

19 ~~(a) If the original tract is less than forty acres, a patent may be~~
20 ~~issued for parcels of not less than five acres each.~~

21 ~~(b) In the case of a right-of-way the actual parcel needed for the~~
22 ~~right-of-way may be patented.~~

23 ~~3.~~ 2. Before any parcel less than the entire tract is patented,
24 the department shall determine that the remaining lands are of greater
25 value than the unpaid balance of the certificate of purchase and that the
26 remaining lands have development potential independent of the acreage that
27 is being patented. Before patenting, the commissioner shall require to be
28 paid an amount, on the lands to be patented, in excess of the purchase
29 price per acre of the entire tract until the total price of the entire
30 tract has been paid. In establishing the amount to be paid for the
31 partial patent, the commissioner shall take into account the amount of the
32 down payment made on the entire tract. ~~Nothing in~~ This paragraph ~~affects~~
33 DOES NOT AFFECT certificates of purchase issued before September 30, 1988.

34 ~~4.~~ 3. When paid, the partial purchase price shall be credited on
35 the total purchase price stated in the certificate of purchase. The
36 department may issue a supplement to the certificate of purchase deleting
37 the land patented and reducing the amount of each of the remaining annual
38 installments to that amount which, when all installments are paid in full,
39 will discharge the entire unpaid balance due on the original certificate
40 of purchase.

41 C. Any land patented under this section is subject to existing
42 valid rights-of-way.

43 D. If the purchaser has died, and the land described has been sold
44 and confirmed by order of court, the patent shall be issued to the
45 purchaser to whom confirmation of sale was made. If the estate of the

1 deceased person is distributed by order of the court, the patent shall be
2 issued to the heirs of the deceased person, or to the person to whom the
3 lands are distributed. Patents issued to a deceased person shall inure to
4 the benefit of the heirs or assigns of the deceased person.

5 E. If an assignment of the certificate of purchase has been filed
6 with and approved by the department, the patent shall be issued to the
7 assignee, and if proper evidence of a transfer of the certificate by
8 operation of law is filed with the department, the patent shall be issued
9 to the transferee.

10 F. A record of all patents issued shall be kept in the records of
11 the department.