

REFERENCE TITLE: false documents; recording; violations

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1310

Introduced by
Senators Carroll: Angius, Shamp, Shope; Representative Bliss

AN ACT

AMENDING SECTION 33-420, ARIZONA REVISED STATUTES; RELATING TO REAL
PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 33-420, Arizona Revised Statutes, is amended to read:

33-420. False documents; liability; special action; damages; violation; classification

A. A person purporting to claim an interest in, or a lien or encumbrance against, real property, who causes a document asserting such claim to be recorded in the office of the county recorder, knowing or having reason to know that the document is forged, ~~OR~~ groundless, contains a material misstatement or false claim or is otherwise invalid is liable to the owner or beneficial title holder of the real property for the sum of ~~not less than five thousand dollars,~~ AT LEAST \$5,000 or for treble the actual damages caused by the recording, whichever is greater, and reasonable attorney fees and costs of the action.

B. The owner or beneficial title holder of the real property may bring an action pursuant to this section in the superior court in the county in which the real property is located for such relief as is required to immediately clear title to the real property as provided for in the rules of procedure for special actions. This special action may be brought based on the ground that the lien is forged, ~~OR~~ groundless, contains a material misstatement or false claim or is otherwise invalid. The owner or beneficial title holder may bring a separate special action to clear title to the real property or join such action with an action for damages as described in this section. In either case, the owner or beneficial title holder may recover reasonable attorney fees and costs of the action if ~~he~~ THE OWNER OR BENEFICIAL TITLE HOLDER prevails.

C. A person who is named in a document ~~which~~ THAT purports to create an interest in, or a lien or encumbrance against, real property and who knows that the document is forged, ~~OR~~ groundless, contains a material misstatement or false claim or is otherwise invalid shall be liable to the owner or BENEFICIAL title holder for the sum of ~~not less than one thousand dollars,~~ AT LEAST \$1,000 or for treble actual damages, whichever is greater, and reasonable attorney fees and costs as provided in this section, if ~~he~~ THE PERSON wilfully refuses to release or correct such document of record within twenty days ~~from~~ AFTER the date of a written request from the owner or beneficial title holder of the real property.

D. A document purporting to create an interest in, or a lien or encumbrance against, real property not authorized by statute, judgment or other specific legal authority is presumed to be groundless and invalid.

E. A person purporting to claim an interest in, or a lien or encumbrance against, real property, who causes a document asserting such claim to be recorded in the office of the county recorder, knowing or

1 having reason to know that the document is forged, ~~OR~~ OR groundless,
2 contains a material misstatement or false claim or is otherwise invalid:
3 1. HAS VIOLATED SECTION 13-2002 AND is guilty of a class
4 ~~1 misdemeanor~~ 4 FELONY.
5 2. IS DEEMED TO HAVE DEMONSTRATED THE INTENT TO DEFRAUD.