

Senate Engrossed

false documents; recording; violations

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

SENATE BILL 1310

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 33-420. False documents; liability; special action; damages;
5 violation; classification

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

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

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

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

41 E. A person purporting to claim an interest in, or a lien or
42 encumbrance against, real property, who causes a document asserting such
43 claim to be recorded in the office of the county recorder, knowing or
44 having reason to know that the document is forged, ~~OR~~ groundless,
45 contains a material misstatement or false claim or is otherwise invalid is
46 guilty of a class ~~1 misdemeanor~~ 4 FELONY.