

REFERENCE TITLE: deeds; identification; forgery; notice; notaries

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1479

Introduced by
Senators Carroll: Fernandez, Kavanagh, Payne, Sears, Shamp, Shope;
Representative Bliss

AN ACT

AMENDING TITLE 11, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-472; AMENDING TITLE 11, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-544; AMENDING SECTION 11-1133, ARIZONA REVISED STATUTES; REPEALING SECTION 12-524, ARIZONA REVISED STATUTES; AMENDING SECTIONS 33-420 AND 41-254, 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. Title 11, chapter 3, article 3, Arizona Revised
3 Statutes, is amended by adding section 11-472, to read:

4 11-472. Recording; photo identification; exemptions

5 A. FOR ANY DOCUMENT THAT IS RECORDED IN PERSON AT THE RECORDER'S
6 OFFICE OR AT A RECORDING KIOSK, A PERSON SHALL PROVIDE THE RECORDER WITH A
7 VALID FORM OF PHOTO IDENTIFICATION UNLESS THE DOCUMENT TO BE RECORDED IS
8 SUBMITTED BY ANY OF THE FOLLOWING:

9 1. AN ESCROW OFFICER OR ESCROW OFFICE.

10 2. A TITLE INSURANCE AGENT OR TITLE INSURER AS DEFINED IN SECTION
11 20-1562.

12 3. A STATE-CHARTERED OR FEDERALLY CHARTERED BANK OR CREDIT UNION.

13 4. AN ACTIVE MEMBER OF THE STATE BAR OF ARIZONA.

14 5. A GOVERNMENTAL ENTITY, INCLUDING AN AGENCY, BRANCH OR
15 INSTRUMENTALITY OF THE FEDERAL GOVERNMENT.

16 B. THE RECORDER MAY NOT RETAIN A COPY OF THE PERSON'S
17 IDENTIFICATION, BUT SHALL NOTE IN THE RECORDING SYSTEM OR RECEIPT FOR THE
18 RECORDING, OR BOTH, THE FOLLOWING:

19 1. THE TYPE OF IDENTIFICATION.

20 2. THE NAME ON THE IDENTIFICATION.

21 3. THE IDENTIFICATION NUMBER.

22 C. THE INFORMATION NOTED PURSUANT TO SUBSECTION B OF THIS SECTION
23 IS NOT A PUBLIC RECORD, IS EXEMPT FROM TITLE 39, CHAPTER 1 AND IS NOT
24 SUBJECT TO DISCLOSURE.

25 Sec. 2. Title 11, chapter 3, article 7, Arizona Revised Statutes,
26 is amended by adding section 11-544, to read:

27 11-544. Notice to owner; changed information

28 ON OR BEFORE JANUARY 1, 2027, THE ASSESSOR SHALL PROVIDE A SYSTEM
29 FOR NOTIFYING AN OWNER OF A PARCEL OF REAL PROPERTY WHEN THE ASSESSOR
30 RECEIVES NOTICE OF A CHANGE IN THE OWNERSHIP OF OR THE MAILING ADDRESS FOR
31 THE OWNER OF THE PARCEL OF REAL PROPERTY. THE SYSTEM SHALL ALLOW AN OWNER
32 TO CHOOSE TO PARTICIPATE AND IS VOLUNTARY FOR THE OWNER, AND THE NOTICE
33 SHALL BE PROVIDED PROMPTLY BY EMAIL, TEXT MESSAGE OR OTHER SIMILAR MEANS.

34 Sec. 3. Section 11-1133, Arizona Revised Statutes, is amended to
35 read:

36 11-1133. Affidavit of legal value

37 A. Each deed evidencing a transfer of title and any contract
38 relating to the sale of real property shall have appended at the time of
39 recording an affidavit of the seller and the buyer to the transaction, or
40 the agent of either the seller or buyer, or both, in a form approved by
41 the department of revenue, who shall declare and jointly certify the
42 following information:

1 1. The name, ~~and~~ MAILING address AND TELEPHONE NUMBER of the buyer
2 and seller. THE BUYER AND SELLER MAY PROVIDE ADDITIONAL CONTACT
3 INFORMATION, INCLUDING EMAIL ADDRESSES.

4 2. The name and address where a tax statement may be sent.

5 3. The complete legal description of the property.

6 4. The situs address, if any, of the property.

7 5. The date of sale.

8 6. The total consideration paid for the property, the amount of
9 cash down payment and whether ~~or not~~ the type of financing included cash,
10 a new ~~third party~~ THIRD-PARTY loan, a new loan from the seller, an
11 assumption of an existing loan or an exchange or trade of property.

12 7. Whether ~~or not~~ the estimated market value of personal property
13 received by the buyer equals five ~~per cent~~ PERCENT or more of the total
14 consideration.

15 8. The assessor's parcel number or numbers assigned to the real
16 property by the county assessor or, in the case of a new parcel or parcels
17 not yet assigned a parcel number, the parcel number or numbers of the
18 previous parcel or parcels from which the new parcel or parcels are
19 created.

20 9. The conditions of the transaction, including the relationship,
21 if any, of the parties.

22 10. The use and description of the property and, in the case of a
23 residential dwelling, whether the property is to be owner-occupied or
24 rented.

25 11. The name and address of the person to contact regarding
26 information contained on the affidavit.

27 B. If a beneficiary of a foreclosed trustee's deed receives payment
28 based on private mortgage insurance covering the sale that is in addition
29 to the proceeds of the sale, the beneficiary shall submit, in a form
30 approved by the department of revenue, to the county recorder in the
31 county where the property is located within four months after the date of
32 the trustee's sale a beneficiary's declaration of additional funds
33 received that contains the following:

34 1. The county assessor's parcel number or numbers assigned as of
35 the date of the trustee's sale.

36 2. The name and address of the beneficiary submitting the
37 declaration.

38 3. The date of the trustee's sale.

39 4. The highest bid amount received by the trustee at the trustee's
40 sale.

41 5. The recording number of the trustee's deed on sale.

42 6. The amount of any additional compensation received by the
43 beneficiary within three months after the date of the trustee's sale.

1 C. The county recorder shall refuse to record any deed and any
 2 contract relating to the sale of real property if a complete affidavit of
 3 legal value is not appended unless the instrument bears a notation
 4 indicating an exemption pursuant to section 11-1134.

5 D. An affidavit is complete for **THE** purposes of this section if all
 6 of the required information is stated on the affidavit form or is
 7 indicated on the form as "not applicable".

8 Sec. 4. Repeal

9 Section 12-524, Arizona Revised Statutes, is repealed.

10 Sec. 5. Section 33-420, Arizona Revised Statutes, is amended to
 11 read:

12 33-420. False documents; liability; special action; damages;
 13 violation; classification

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

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

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

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

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

10 Sec. 6. Section 41-254, Arizona Revised Statutes, is amended to
11 read:

12 41-254. Personal appearance required; thumbprint; exceptions

13 A. If a notarial act relates to a statement made in or a signature
14 executed on a record, the individual making the statement or executing the
15 signature shall appear personally before the notarial officer.

16 B. If a notarial act involves a translator under section 41-253,
17 subsection F, the translator shall appear personally before the notary
18 public.

19 C. IF THE DOCUMENT TO BE NOTARIZED IS A DEED, QUITCLAIM DEED, DEED
20 OF TRUST OR OTHER DOCUMENT THAT AFFECTS REAL PROPERTY OR A POWER OF
21 ATTORNEY DOCUMENT, THE NOTARY PUBLIC SHALL REQUIRE THE PARTY SIGNING THE
22 DOCUMENT TO PLACE THE PARTY'S RIGHT THUMBPRINT IN THE NOTARY'S JOURNAL.
23 IF THE RIGHT THUMBPRINT IS NOT AVAILABLE, THE NOTARY PUBLIC SHALL HAVE THE
24 PARTY USE THE PARTY'S LEFT THUMB, OR ANY AVAILABLE FINGER, AND SHALL SO
25 INDICATE IN THE JOURNAL. IF THE PARTY SIGNING THE DOCUMENT IS PHYSICALLY
26 UNABLE TO PROVIDE A THUMBPRINT OR FINGERPRINT, THE NOTARY PUBLIC SHALL SO
27 INDICATE IN THE JOURNAL AND SHALL ALSO PROVIDE AN EXPLANATION OF THAT
28 PHYSICAL CONDITION. THIS SUBSECTION DOES NOT APPLY TO A TRUSTEE'S DEED
29 THAT RESULTS FROM A JUDICIAL OR NONJUDICIAL FORECLOSURE OR TO A DEED OF
30 RELEASE AND RECONVEYANCE.