



Arizona Department of Mines and Mineral Resources

1502 West Washington, Phoenix, AZ 85007 Phone (602) 771-1600

1-800-446-4259 in Arizona FAX (602) 771-1616 www.mines.az.gov

ARIZONA RECORDATION LAW CHANGE - 1989

Circular No. 36, January 1991

Laws affecting the recording of all instruments, including those relating to mining claims have been changed. The First Regular Session of the Thirty- ninth Legislature of the State of Arizona has enacted amendments to the Arizona Revised Statutes as listed below (ARS 11-462, 463, 467, 471, 473- 475, 477, and 480 and 27-203). Pertinent are the changes to requirements for form of instruments and mining claim location notice recordation fees.

The changes became effective on June 20, 1989 unless otherwise noted. Pertinent excerpts from the new legislation, Laws of 1989, Chapter 249, Senate Bill 1179 as enacted are included at the end of this circular.

Form of Instruments

The new law has changed the required form of instruments to include a **top margin of at least 2 inches** on the first page of an instrument, a minimum half inch left and right margin, and a minimum print size of **10 point type**. The sample forms provided in *Laws and Regulations Governing Mineral Rights in Arizona* pages 71-81 may still be used provided they are photocopied on 11x14 inch paper (legal size) allowing a top margin of at least 2 inches. Care should be taken to preserve left and right margins of a half inch. The form should not be reduced to achieve these margins as the print size could become smaller than the 10 point type minimum.

Fees

The standard fee of \$5.00 for instruments now applies to mining claim location notices. However, the actual recordation fee charged at county recorder offices will vary from **\$5.00 to \$9.00** as it may also include a supplemental fee of up to \$4.00 per instrument that the counties are allowed to charge for computerization of their records.

In the excerpts below changes or additions in text are indicated by CAPITALS; deletions by ~~strikeouts~~.

CHAPTER 249

SENATE BILL 1179

AN ACT

RELATING TO COUNTIES; PRESCRIBING CERTAIN DUTIES AND RESPONSIBILITIES OF COUNTY RECORDER; PROVIDING FOR THE ENUMERATION AND MANNER OF KEEPING INDICES; PRESCRIBING MANNER OF RECORDING, INSPECTION, MAKING COPIES OF AND CERTIFICATION OF RECORDS; PRESCRIBING CERTAIN RECORDATION FEES; PRESCRIBING LIABILITY FOR CERTAIN INCOMPLETE AND DEFECTIVE CERTIFICATES; PRESCRIBING FORM OF INSTRUMENTS TO BE RECORDED; PROVIDING FOR REMOVAL OF PROVISIONS REGARDING RECORDING OF BOND UNDERTAKING AND AFFIDAVITS; AMENDING SECTIONS 11-462, 11- 463, 11-471, 11-473, 11-474, 11-475, 11-477,11-480, AND 27-203, ARIZONA REVISED STATUTES.

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

Section 11-480, Arizona Revised Statutes is amended to read:

11-480. Requirement for form of instruments

A. ~~Any~~ ONLY AN instrument ~~presented~~ WHICH UPON PRESENTATION to a county recorder for recordation ~~shall meet the following conditions~~ FAILS TO MEET ANY OF THE FOLLOWING CONDITIONS MAY BE REJECTED FOR RECORDATION AT THE TIME OF PRESENTATION FOR RECORDATION:

1. Each instrument shall have a caption briefly stating the nature of the instrument, such

as warranty deed, release of mortgage, notice of bulk sale and like captions. The county recorder shall have no obligation to index any instrument under any subject index category maintained by the county recorder unless that category is included in the caption to the instrument.

2. Each instrument shall be an original or a copy of the original and shall be sufficiently legible for the recorder to make certified copies FROM THE PHOTOGRAPHIC OR MICROGRAPHIC RECORD.

3. Each instrument shall have original signatures or carbon copies of such signatures, except when otherwise provided by law.

4. EFFECTIVE JANUARY 1, 1991, EACH INSTRUMENT SHALL BE NO LARGER THAN EIGHT AND ONE-HALF INCHES IN WIDTH AND NO LONGER THAN FOURTEEN INCHES AND SHALL HAVE A PRINT SIZE NO SMALLER THAN TEN POINT TYPE.

5. EFFECTIVE JANUARY 1, 1991, EACH INSTRUMENT SHALL HAVE AT LEAST A ONE-HALF INCH MARGIN ACROSS THE BOTTOM AND THE LEFT AND RIGHT SIDES FROM THE TOP TO THE BOTTOM. THE FIRST PAGE SHALL HAVE A TOP MARGIN OF AT LEAST TWO INCHES OF VERTICAL SPACE FROM LEFT TO RIGHT AND SHALL BE RESERVED FOR RECORDATION AND RETURN ADDRESS INFORMATION.

B. Any instrument presented to a county recorder for recordation which modifies in any way the provisions of a previously recorded document must state the date of recordation and the docket and page of the document being modified.

C. ANY INSTRUMENT ACCEPTED FOR RECORDATION IS NOT SUBJECT TO A LATER CLAIM OF INVALIDITY FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

Section 27-203 Arizona Revised Statutes is amended to read:

27-203 Completing lode, placer, millsite locations: recording location notice: monumenting: map, plat, or sketch requirements: abandonment of claims: recorder duties and fees

A. through E. were unchanged.

F. The county recorder shall keep proper indices of mine location notices and maps by the cadastral subdivisions of the United States bureau of land management or general land office. The county recorder shall receive as ~~fees three dollars~~ for recording a mine location notice and map, plat or sketch appended to such notice THE FEES PRESCRIBED IN SECTION 11- 475.

Approved by the Governor, June 20, 1989.

Filed in the Office of the Secretary of State, June 20, 1989.