

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 658

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO COUNTIES; CHANGING COUNTY RECORDING FEES; PROVIDING FOR THE DISPOSITION OF FEES; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-8-12.2 NMSA 1978 (being Laws 1985, Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. DISPOSITION OF EQUIPMENT--RECORDING FEES.--

~~[A. For each instrument recorded, the county clerk shall charge a recording fee of five dollars (\$5.00) for the first page and two dollars (\$2.00) for each additional page or portion thereof of the same instrument.~~

~~B. For each instrument recorded, the county clerk may charge, in addition to any other fees authorized by law, including the fee provided in Subsection A of this section, an~~

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~equipment recording fee. The equipment recording fee shall not~~
2 ~~exceed four dollars (\$4.00) for each instrument recorded.~~

3 ~~G.]~~ A. Amounts collected from the equipment
4 recording fee shall be deposited into a county clerk recording
5 and filing fund, which shall be established by the county.

6 ~~[D.]~~ B. The equipment recording fee and
7 expenditures from the county clerk recording and filing fund
8 shall be determined annually by the county clerk and approved
9 by the board of county commissioners.

10 ~~[E.]~~ C. Expenditures from the county clerk
11 recording and filing fund may be expended only:

12 (1) to rent, purchase, lease or lease-purchase
13 recording equipment and for supplies, training and maintenance
14 for such equipment;

15 (2) to rent, purchase, lease or lease-purchase
16 equipment associated with all regular duties in the county
17 clerk's office and for supplies, training and maintenance for
18 such equipment;

19 (3) to rent, purchase, lease or lease-purchase
20 vehicles associated with all regular duties in the county
21 clerk's office and for supplies, training and maintenance for
22 such vehicles, provided that the county clerk shall report
23 annually to the board of county commissioners the usage,
24 mileage and necessity of any vehicle acquired pursuant to this
25 paragraph; ~~[or]~~

.175340.2

underscored material = new
[bracketed material] = delete

1 (4) for technical assistance, [~~staff travel~~]
2 professional services and training associated with all regular
3 duties of the county clerk's office [~~pursuant to the Per Diem~~
4 ~~and Mileage Act~~]; or

5 (5) for staff travel associated with all
6 regular duties of the county clerk's office pursuant to the Per
7 Diem and Mileage Act."

8 Section 2. Section 14-8-13 NMSA 1978 (being Laws 1865,
9 Chapter 46, Section 2, as amended) is amended to read:

10 "14-8-13. COUNTY CLERK--FEES.--[~~SEC. 179. The county~~
11 ~~clerk shall be allowed the following fees~~

12 ~~for recording letters testamentary or~~
13 ~~of administration one dollar~~

14 ~~for filing bond of the executor or~~
15 ~~administrator fifty cents.~~

16 ~~for order appointing guardian or curator~~
17 ~~twelve and one-half cents.~~

18 ~~for filing and preserving bond of guardian or~~
19 ~~curator fifty cents.~~

20 ~~for every order of publication~~
21 ~~twenty-five cents.~~

22 ~~for every order relating to executors, administra-~~
23 ~~tors or guardians, not otherwise provided for~~

24 ~~twelve and one-half cents.~~

25 ~~for copying any order, record or paper, for every~~

underscored material = new
[bracketed material] = delete

- 1 ~~one hundred words ten cents.~~
- 2 ~~for entering any judgment and verdict~~
- 3 ~~twelve and one-half cents.~~
- 4 ~~for proof of every will and codicil taken by the~~
- 5 ~~probate judge twenty-five cents.~~
- 6 ~~for every certificate and seal~~
- 7 ~~twenty-five cents.~~
- 8 ~~for issuing every subpoena~~
- 9 ~~twenty-five cents~~
- 10 ~~for administering every oath~~
- 11 ~~three cents~~
- 12 ~~for keeping abstracts of demands, for each defendant~~
- 13 ~~three cents~~
- 14 ~~for certifying the amount, date and classes~~
- 15 ~~of any demand, without seal five cents.~~
- 16 ~~for entering every motion or rule~~
- 17 ~~five cents.~~
- 18 ~~for swearing and entering a jury~~
- 19 ~~twenty-five cents~~
- 20 ~~for entering every trial five cents.~~
- 21 ~~for a commission to take depositions~~
- 22 ~~twenty-five cents~~
- 23 ~~for every execution fifty cents.~~
- 24 ~~for every continuance of a cause five cents.~~
- 25 ~~for entering an appeal~~

underscored material = new
[bracketed material] = delete

1 ~~twelve and one-half cents~~
2 ~~for every writ to summon a jury~~
3 ~~twelve and one-half cents~~
4 ~~for every order to distribute effects among heirs~~
5 ~~etc. twelve and one-half cents.~~
6 ~~for every settlement of executor, administrator~~
7 ~~or guardian, whether annual or final~~
8 ~~twenty-five cents~~
9 ~~for every order appointing road overseers~~
10 ~~twenty-five cents~~
11 ~~for filing and preserving constable's bond, to be~~
12 ~~paid for by the constable, twenty-five cents~~
13 ~~for all services in filing, taking and safekeeping the~~
14 ~~collectors' bonds for territorial taxes, to be~~
15 ~~paid by the territory, one dollar~~
16 ~~for like services for collectors' bonds for~~
17 ~~county taxes, to be paid by the territory~~
18 ~~and county, each for its own, for every one hundred~~
19 ~~words ten cents~~
20 ~~for issuing any license, to be paid for by the~~
21 ~~applicant fifty cents~~
22 ~~for taking, filing and safe-keeping of every~~
23 ~~other bond not otherwise provided for~~
24 ~~fifty cents~~
25 ~~for issuing each writ and receiving, filing~~

underscored material = new
[bracketed material] = delete

1 ~~and docketing the return fifty cents~~
2 ~~for taking every acknowledgment to a deed or~~
3 ~~writing twenty-five cents]~~

4 A. Unless otherwise specified by law, the county
5 clerk shall collect a recording fee of twenty-five dollars
6 (\$25.00) for each document recorded by the county clerk.

7 B. If a document being recorded assigns, releases
8 or transfers the interests of more than five persons, the
9 county clerk shall collect an additional fee of twenty-five
10 dollars (\$25.00) for each additional block of ten or fewer
11 assignments, releases or transfers contained in the document.

12 C. For each twenty-five-dollar (\$25.00) fee
13 collected by the county clerk pursuant to this section,
14 eighteen dollars (\$18.00) shall be deposited in the county
15 general fund and seven dollars (\$7.00) shall be deposited in
16 the equipment recording and filing fund."

17 Section 3. Section 14-8-16 NMSA 1978 (being Laws 1973,
18 Chapter 258, Section 150, as amended) is amended to read:

19 "14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF REAL
20 PROPERTY AUTHORIZED--RECORDING--FEES.--

21 A. ~~[Any]~~ A person owning real property that is
22 subject to property taxation under the Property Tax Code may
23 file for record in the office of the county clerk of the county
24 where the real property is located a legal description or a
25 plat of the real property. To be eligible for recording, the

.175340.2

underscored material = new
[bracketed material] = delete

1 legal description or plat shall be certified by a professional
2 surveyor licensed in the state.

3 B. The United States, the state or its political
4 subdivisions and any agency, department or instrumentality of
5 the United States, the state or its political subdivisions may
6 file for record in the office of the county clerk of the county
7 where the real property is located a legal description or a
8 plat of real property. To be eligible for recording, the legal
9 description or plat shall be certified by a professional
10 surveyor licensed in the state and shall show the governmental
11 agency, department or political subdivision under whose
12 supervision and direction the description or plat was prepared.

13 C. The county clerk shall number descriptions filed
14 under this section consecutively and shall number plats filed
15 under this section consecutively. Immediately upon receiving a
16 description or plat for filing, the county clerk shall note on
17 the instrument the filing number and the time of filing and
18 shall make proper entries in [~~his~~] the reception book and in
19 [~~his~~] the index to general real estate records.

20 D. The county clerk shall record descriptions and
21 plats filed under this section in the same manner as other
22 similar instruments affecting real property are recorded. The
23 county clerk shall charge [~~a fee of two dollars fifty cents~~
24 ~~(\$2.50) for filing and recording each description or plat. If~~
25 ~~the county clerk uses a post binder with transparent protective~~

.175340.2

underscored material = new
[bracketed material] = delete

1 ~~pages for the protection of the plats, he shall charge a fee of~~
2 ~~five dollars (\$5.00) for filing and recording each unit of a~~
3 ~~plat that is eighteen inches by twenty-four inches or part~~
4 ~~thereof.~~

5 ~~E. For filing legal descriptions or plats of real~~
6 ~~property, the county clerk may charge, in addition to any other~~
7 ~~fees authorized by law, including the fee provided for in~~
8 ~~Subsection D of this section, an equipment recording fee. The~~
9 ~~equipment recording fee shall not exceed four dollars (\$4.00)~~
10 ~~for each instrument or plat recorded.~~

11 ~~F. Amounts collected from the equipment recording~~
12 ~~fee shall be deposited into a county clerk recording and filing~~
13 ~~fund, which shall be established by the county. Money in the~~
14 ~~county clerk recording and filing fund shall be expended only~~
15 ~~to rent, purchase, lease or lease-purchase equipment associated~~
16 ~~with recording, filing, maintaining or reproducing documents in~~
17 ~~the county clerk's office and for staff training on office~~
18 ~~procedures and equipment.~~

19 ~~G. The equipment recording fee and expenditures~~
20 ~~from the county clerk recording and filing fund shall be~~
21 ~~determined annually by the county clerk and approved by the~~
22 ~~board of county commissioners] a recording fee as provided for~~
23 ~~in Section 14-8-13 NMSA 1978 for documents recorded pursuant to~~
24 ~~this section.~~

25 ~~[H.] E. If the county clerk has the appropriate~~

.175340.2

underscoring = new
~~[bracketed material]~~ = delete

1 technology, the clerk shall record the plat electronically,
2 return the original to the person who submitted the plat and
3 forward an electronic copy to the county assessor. Otherwise,
4 all plats to be recorded pursuant to the provisions of this
5 section shall be filed in duplicate with the county clerk. One
6 copy shall be recorded by the county clerk, and one copy shall
7 be delivered by the county clerk to the county assessor."

8 Section 4. REPEAL.--Sections 14-8-12.3, 14-8-12.4 and
9 14-8-14 NMSA 1978 (being Laws 1985, Chapter 122, Sections 3 and
10 4 and Laws 1886-1887, Chapter 10, Section 6, as amended) are
11 repealed.