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HOUSE BILL 77

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO PUBLIC RECORDS; REMOVING A PROVISION ALLOWING A
DUPLICATE TO BE FILED AND RECORDED WITH THE COUNTY CLERK TO THE
SAME EXTENT AS AN ORIGINAL.

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

SECTION 1. Section 14-8-4 NMSA 1978 (being Laws 1901,
Chapter 62, Section 18, as amended) is amended to read:

"14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--
EXCEPTIONS.--

A. Any instrument of writing duly acknowledged may
be filed and recorded. Any instrument of writing not duly
acknowledged may not be filed and recorded or considered of
record, though so entered, unless otherwise provided in this
section. ~~[A duplicate of an instrument of writing duly
acknowledged may be filed and recorded to the same extent as~~

.195028.1

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

underscoring material = new
[bracketed material] = delete

1 ~~the original.]~~

2 B. For purposes of this section, "acknowledged"
3 means notarized by a person empowered to perform notarial acts
4 pursuant to the Notary Public Act or the Uniform Law on
5 Notarial Acts.

6 C. The following documents need not be acknowledged
7 but may be filed and recorded:

8 (1) court-certified copies of a court order,
9 judgment or other judicial decree;

10 (2) court-certified transcripts of any money
11 judgment obtained in a court of this state or, pursuant to
12 Section 14-9-9 NMSA 1978, in the United States district court
13 for the district of New Mexico;

14 (3) land patents and land office receipts;

15 (4) notice of lis pendens filed pursuant to
16 Section 38-1-14 NMSA 1978;

17 (5) provisional orders creating improvement
18 districts pursuant to Section 4-55A-7 NMSA 1978;

19 (6) notices of levy on real estate under
20 execution or writ of attachment when filed by a peace officer
21 pursuant to Section 39-4-4 NMSA 1978;

22 (7) surveys of land that do not create a
23 division of land but only show existing tracts of record when
24 filed by a professional surveyor pursuant to Section 61-23-28.2
25 NMSA 1978;

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

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(8) certified copies of foreign wills,
marriages or birth certificates duly authenticated; and
(9) instruments of writing in any manner
affecting lands in the state filed pursuant to Section 14-9-7
NMSA 1978, when these instruments have been duly executed by an
authorized public officer.

D. Any filing or recording permitted or required
under the provisions of the Uniform Commercial Code need not
comply with the requirements of this section.

E. Instruments acknowledged on behalf of a
corporation need not have the corporation's seal affixed
thereto in order to be filed and recorded."