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HOUSE BILL 324

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Brian Egolf and Daniel A. Ivey-Soto

AN ACT

RELATING TO PUBLIC RECORDS; CHANGING THE REQUIREMENTS FOR
FILING AND RECORDING COPIES OF INSTRUMENTS OF WRITING.

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--RECORDING OF COPIES.--

A. Any original 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 the original.~~]

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

underscored material = new
[bracketed material] = delete

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

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

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

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

13 (3) land patents and land office receipts;

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

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

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

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

25 (8) certified copies of foreign wills,

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underscored material = new
[bracketed material] = delete

1 marriages or birth certificates duly authenticated; and

2 (9) instruments of writing in any manner
3 affecting lands in the state filed pursuant to Section 14-9-7
4 NMSA 1978, when these instruments have been duly executed by an
5 authorized public officer.

6 D. If an original instrument of writing could be
7 filed and recorded in accordance with the provisions of this
8 section but is unavailable, a copy of that instrument shall be
9 accepted for filing and recording if an accompanying document
10 is presented that provides the name, phone number and mailing
11 address of the person filing and recording the copy; that
12 specifies the reason that the copy is being filed and recorded
13 in place of the original instrument; and that includes an
14 acknowledged statement by the person that the copy is a true
15 copy of the original instrument. The accompanying document
16 shall be filed and recorded for no additional fee as an
17 attachment to the copy.

18 [~~D.~~] E. Any filing or recording permitted or
19 required under the provisions of the Uniform Commercial Code
20 need not comply with the requirements of this section.

21 [~~E.~~] F. Instruments acknowledged on behalf of a
22 corporation need not have the corporation's seal affixed
23 thereto in order to be filed and recorded."