

Senate Engrossed House Bill

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 229

HOUSE BILL 2689

AN ACT

AMENDING SECTION 11-1134, ARIZONA REVISED STATUTES; RELATING TO REAL ESTATE
TRANSFER AFFIDAVITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1134, Arizona Revised Statutes, is amended to
3 read:

4 11-1134. Exemptions

5 A. The affidavit and fee required by this article do not apply to the
6 following instruments:

7 1. A deed that represents the payment in full or forfeiture of a
8 recorded contract for the sale of real property.

9 2. A lease or easement on real property, regardless of the length of
10 the term.

11 3. A deed, patent or contract for the sale or transfer of real
12 property in which an agency or representative of the United States, this
13 state, a county, city or town of this state or any political subdivision of
14 this state is the named grantor, and authorized seller, or purchaser.

15 4. A quitclaim deed to quiet title as described in section 12-1103,
16 subsection B OR OTHERWISE EXECUTED FOR NO MONETARY CONSIDERATION.

17 5. A conveyance of real property that is executed pursuant to a court
18 order.

19 6. A deed to an unpatented mining claim.

20 7. A deed of gift.

21 B. The affidavit and fee required by this article do not apply to a
22 transfer of title:

23 1. Solely in order to provide or release security for a debt or
24 obligation, including a trustee's deed pursuant to power of sale under a deed
25 of trust.

26 2. That confirms or corrects a deed that was previously recorded.

27 3. WHEN THE TRANSFER OF TITLE HAS ONLY NOMINAL ACTUAL CONSIDERATION
28 FOR THE TRANSFER OF RESIDENTIAL PROPERTY between:

29 (a) Husband and wife, or ANCESTOR OF THE HUSBAND AND WIFE.

30 (b) Parent and child, ~~with only nominal actual consideration for the~~
31 ~~transfer~~ INCLUDING NATURAL OR ADOPTED CHILDREN AND THEIR DESCENDANTS.

32 (c) GRANDPARENT AND GRANDCHILD.

33 (d) NATURAL OR ADOPTED SIBLINGS.

34 4. On a sale for delinquent taxes or assessments.

35 5. On partition.

36 6. Pursuant to a merger of corporations.

37 ~~7. By a subsidiary corporation to its parent corporation for no~~
38 ~~consideration or nominal consideration or in sole consideration for canceling~~
39 ~~or surrendering the subsidiary's stock.~~

40 7. FOR NO CONSIDERATION OR NOMINAL CONSIDERATION:

41 (a) BY A SUBSIDIARY TO ITS PARENT OR FROM A PARENT TO A SUBSIDIARY.

42 (b) AMONG COMMONLY CONTROLLED ENTITIES.

43 (c) FROM A MEMBER TO ITS LIMITED LIABILITY COMPANY OR FROM A LIMITED
44 LIABILITY COMPANY TO A MEMBER.

45 (d) FROM A PARTNER TO ITS PARTNERSHIP.

- 1 (e) FROM A PARTNERSHIP TO A PARTNER.
2 (f) FROM A JOINT VENTURER TO ITS JOINT VENTURE.
3 (g) FROM A JOINT VENTURE TO A JOINT VENTURER.
4 (h) FROM A TRUST BENEFICIARY TO ITS TRUSTEE.
5 (i) FROM A TRUSTEE TO ITS TRUST BENEFICIARY.
6 (j) FROM ANY OF THE ENTITIES IN SUBDIVISIONS (a) THROUGH (i) OF THIS
7 PARAGRAPH TO A SINGLE PURPOSE ENTITY IN ORDER TO OBTAIN FINANCING.
8 8. From a person to a trustee or from a trustee to a trust beneficiary
9 with only nominal actual consideration for the transfer.
10 9. To and from an intermediary for the purpose of creating a joint
11 tenancy estate or some other form of ownership.
12 10. From a husband and wife or one of them to both husband and wife to
13 create an estate in community property with right of survivorship.
14 11. From two or more persons to themselves to create an estate in joint
15 tenancy with right of survivorship.
16 12. Pursuant to a beneficiary deed with only nominal actual
17 consideration for the transfer.
18 13. FROM AN OWNER TO ITSELF OR A RELATED ENTITY FOR NO OR NOMINAL
19 CONSIDERATION SOLELY FOR THE PURPOSE OF CONSOLIDATING OR SPLITTING PARCELS.
20 14. DUE TO A LEGAL NAME CHANGE.
21 C. Any instrument that describes a transaction that is exempt under
22 this section shall note the exemption on the face of the instrument at the
23 time of recording, indicating the specific exemption that is claimed.

APPROVED BY THE GOVERNOR APRIL 10, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2012.

Passed the House March 6, 2012

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 13, 2012

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2689

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 5, 2012,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of April, 2012

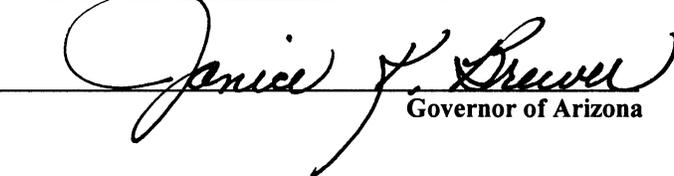
at 1 o'clock P M.


Secretary to the Governor

Approved this 10th day of

April, 2012

at 5:50 o'clock P. M.


Governor of Arizona

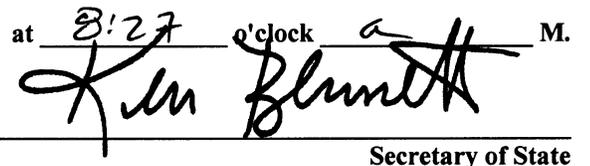
H.B. 2689

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11th day of April, 2012,

at 8:27 o'clock a M.


Secretary of State