

House Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 106

## **HOUSE BILL 2087**

AN ACT

AMENDING SECTIONS 27-208, 27-221, 27-222 AND 33-704, ARIZONA REVISED  
STATUTES; RELATING TO MINING CLAIM MAINTENANCE FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 27-208, Arizona Revised Statutes, is amended to  
3 read:

4 27-208. Affidavit of annual work; affidavit of claim  
5 maintenance fee payment; fees

6 A. Before December 31 of any year in which the performance of annual  
7 labor or making improvements OR THE PAYMENT OF CLAIM MAINTENANCE FEES ~~upon~~ ON  
8 a mining claim is required, the person on whose behalf ~~such~~ THE work or  
9 improvement OR PAYMENT was made, or ~~some person for him~~ THE PERSON'S  
10 REPRESENTATIVE, knowing the facts, may make and record in the office of the  
11 county recorder of the county in which the claim is located an affidavit ~~in~~  
12 ~~substance as follows:~~ OF ANNUAL WORK OR AN AFFIDAVIT OF CLAIM MAINTENANCE FEE  
13 PAYMENT.

14 B. THE AFFIDAVIT OF ANNUAL WORK MUST STATE IN SUBSTANCE THE FOLLOWING:

15 State of Arizona, county of \_\_\_\_\_ ss:

16 \_\_\_\_\_, being duly sworn, deposes and  
17 says that: ~~he is~~ I AM a citizen of the United States and ~~more~~  
18 ~~than~~ AT LEAST eighteen years of age, ~~resides~~. I RESIDE at  
19 \_\_\_\_\_, in \_\_\_\_\_ county, Arizona, ~~is~~.  
20 I AM personally acquainted with the mining claim known as  
21 \_\_\_\_\_ mining claim, situated in \_\_\_\_\_  
22 mining district, \_\_\_\_\_ county, Arizona, the location  
23 notice of which is recorded in the office of the county recorder  
24 of ~~said~~ THAT county, in book \_\_\_\_\_ of records of  
25 mines, at page \_\_\_\_\_ AT [COUNTY RECORDER INFORMATION]. That  
26 Between the \_\_\_\_\_ day of \_\_\_\_\_, A.D.  
27 \_\_\_\_\_, and the \_\_\_\_\_ day of  
28 \_\_\_\_\_, A.D. \_\_\_\_\_, at least  
29 \_\_\_\_\_ dollars worth of work and improvements  
30 were done and performed ~~upon~~ ~~said~~ ON THE claim, not including  
31 the location work of ~~said~~ THE claim. Such work and improvements  
32 were made by and at the expense of \_\_\_\_\_,  
33 owners of ~~said~~ THE claim, for the purpose of complying with the  
34 laws of the United States pertaining to assessment or annual  
35 work, and \_\_\_\_\_ (here name the  
36 miners or persons who worked ~~upon~~ ON the claim ~~in doing the~~  
37 ~~work~~) were the persons WHO ARE employed by ~~said~~ THE owner and  
38 who labored ~~upon~~ ~~said~~ ON THE claim, ~~did~~ ~~said~~ DOING THE work and  
39 improvements, ~~the same being as follows, to-wit:~~ (Here describe  
40 the work done and add signature and verification.)

41 C. THE AFFIDAVIT OF CLAIM MAINTENANCE FEE PAYMENT MUST STATE IN  
42 SUBSTANCE THE FOLLOWING:

43 STATE OF ARIZONA, COUNTY OF \_\_\_\_\_ SS:

44 \_\_\_\_\_, BEING DULY SWORN, DEPOSES AND  
45 SAYS THAT: I AM A CITIZEN OF THE UNITED STATES AND AT LEAST

1 EIGHTEEN YEARS OF AGE. I RESIDE AT \_\_\_\_\_, IN  
2 \_\_\_\_\_ COUNTY, ARIZONA. I AM PERSONALLY ACQUAINTED  
3 WITH THE MINING CLAIM KNOWN AS \_\_\_\_\_ MINING  
4 CLAIM, SITUATED IN \_\_\_\_\_ MINING DISTRICT,  
5 \_\_\_\_\_ COUNTY, ARIZONA, THE LOCATION NOTICE OF WHICH IS  
6 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THAT COUNTY AT  
7 [COUNTY RECORDER INFORMATION]. A CLAIM MAINTENANCE FEE OF  
8 \_\_\_\_\_ DOLLARS WAS PAID BY OR AT THE EXPENSE  
9 OF \_\_\_\_\_, OWNERS OF THE CLAIM, INSTEAD OF  
10 RECORDING AN AFFIDAVIT OF ANNUAL WORK FOR THE PURPOSE OF  
11 COMPLYING WITH THE LAWS OF THE UNITED STATES AND HOLDING THE  
12 CLAIM. (HERE ADD SIGNATURE AND VERIFICATION.)

13 ~~B.~~ D. The affidavit OF ANNUAL WORK OR THE AFFIDAVIT OF CLAIM  
14 MAINTENANCE FEE PAYMENT when recorded shall be prima facie evidence of the  
15 performance of the labor or improvements OR OF CLAIM MAINTENANCE FEE PAYMENT.  
16 Any affidavit shall include, if known to the locator, the identification of  
17 the section, township and range in which the notice of location of the claim  
18 is posted.

19 ~~C.~~ E. When annual WORK OR IMPROVEMENTS OR CLAIM MAINTENANCE FEE  
20 PAYMENT is done ~~upon~~ ON one or more of a contiguous group of claims for the  
21 benefit of all, or wholly or partly outside of a contiguous group of claims  
22 for the benefit of all, all claims may be included in a single affidavit.

23 ~~D.~~ F. In addition to the fees required under section 11-475 for  
24 recording of documents, the county recorder, ~~shall, prior to~~ BEFORE recording  
25 the affidavit of ~~performance~~ ANNUAL WORK OR THE AFFIDAVIT OF CLAIM  
26 MAINTENANCE FEE PAYMENT, SHALL collect from the person recording the  
27 affidavit a fee in the sum of five dollars for each separate affidavit of  
28 ~~performance~~ ANNUAL WORK OR AFFIDAVIT OF CLAIM MAINTENANCE FEE PAYMENT  
29 recorded. The county recorder, ~~shall~~ by the tenth day of each month, SHALL  
30 forward to the state treasurer for deposit in the state general fund, ~~eighty~~  
31 per cent of the monies collected pursuant to this subsection during the  
32 previous month.

33 Sec. 2. Section 27-221, Arizona Revised Statutes, is amended to read:  
34 27-221. Notice to delinquent co-owner to contribute share of  
35 annual labor expense or maintenance fees

36 A. When a co-owner gives a delinquent co-owner notice in writing or  
37 notice by publication to contribute his proportion of the expense of annual  
38 labor OR MAINTENANCE FEES as provided by the laws of the United States, an  
39 affidavit of the person giving the notice, stating the time, place, manner of  
40 service and by whom and upon whom the service was made, shall be attached to  
41 a true copy of the notice, and the notice and affidavit shall be recorded  
42 ninety days after giving the notice, or if the notice is given by publication  
43 in a newspaper, there shall be attached to a printed copy of the notice an  
44 affidavit of the editor or publisher of the paper, stating the date of each  
45 insertion of the notice therein, and when and where the newspaper was

1 published during that time, and the affidavit and notice shall be recorded  
2 one hundred and eighty days after the first publication.

3 B. A true copy of the original notice and affidavit of service, or the  
4 records thereof, shall be prima facie evidence that the delinquent co-owner  
5 has failed or refused to contribute his proportion of the expenditure, and  
6 shall be prima facie evidence of service or publication of the notice, unless  
7 the writing or affidavit provided for in section 27-222 is of record.

8 Sec. 3. Section 27-222, Arizona Revised Statutes, is amended to read:  
9 27-222. Acknowledgment of contribution by delinquent co-owner

10 A. If the delinquent co-owner, within the time required by the laws of  
11 the United States, contributes his proportion of the expenditures, the  
12 co-owner, who demanded contribution shall sign and deliver to the delinquent  
13 co-owner a written statement that the delinquent, naming him, has, within the  
14 time required, contributed his share of the expense for the year upon the  
15 claim, and further stating the district, county and state wherein the claim  
16 is located and the ~~book and page~~ RECORDING INFORMATION where the location  
17 notice is recorded. The statement shall be recorded.

18 B. If the co-owner who demanded contribution fails to sign and deliver  
19 the statement to the delinquent co-owner within twenty days after  
20 contribution is made, he shall be liable to the delinquent for a penalty of  
21 one hundred dollars. The delinquent, with two disinterested persons having  
22 personal knowledge of the contribution, may make an affidavit setting forth  
23 the manner, amount, to whom and upon what ~~mine~~ MINING CLAIM OR CLAIMS the  
24 contribution was made. The affidavit may be recorded, and shall be prima  
25 facie evidence of the contribution.

26 Sec. 4. Section 33-704, Arizona Revised Statutes, is amended to read:  
27 33-704. Performance of assessment work or payment of  
28 maintenance fees on mining claim by mortgagee;  
29 expense as additional debt secured by mortgage

30 The mortgagee, if the mortgaged property or part thereof consists of  
31 unpatented mining claims, may perform the annual labor or improvement, OR PAY  
32 THE MAINTENANCE FEES required by law to prevent the forfeiture of the claim,  
33 and the amount expended for that purpose shall be an additional debt secured  
34 by the mortgage, and included in the judgment of foreclosure, or, if expended  
35 after judgment, but before sale, added to the amount of the execution.

APPROVED BY THE GOVERNOR APRIL 16, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2013.

Passed the House February 21, 20 13

Passed the Senate April 11, 20 13

by the following vote: 58 Ayes,

by the following vote: 27 Ayes,

0 Nays, 2 Not Voting

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15 day of April, 20 13

at 3:00 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 16th day of

April

at 3:16 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of April, 20 13

at 8:41 o'clock A M.

[Signature]  
Secretary of State

H.B. 2087