

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 190

Senate Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

SENATE BILL 1448

AN ACT

AMENDING SECTION 33-808, ARIZONA REVISED STATUTES; RELATING TO DEEDS OF TRUST.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 33-808, Arizona Revised Statutes, is amended to
3 read:

4 33-808. Notice of trustee's sale

5 A. The trustee shall give written notice of the time and place of sale
6 legally describing the trust property to be sold by each of the following
7 methods:

8 1. Recording a notice in the office of the recorder of each county
9 where the trust property is situated.

10 2. Giving notice as provided in section 33-809 to the extent
11 applicable.

12 3. Posting a copy of the notice of sale, at least twenty days before
13 the date of sale in some conspicuous place on the trust property to be sold,
14 if posting can be accomplished without a breach of the peace. If access to
15 the trust property is denied because a common entrance to the property is
16 restricted by a limited access gate or similar impediment, the property shall
17 be posted by posting notice at that gate or impediment. Notice shall also be
18 posted at one of the places provided for posting public notices at any
19 building that serves as a location of the superior court in the county where
20 the trust property is to be sold. Posting is deemed completed on the date
21 the trust property is posted. The posting of notice at the superior court
22 location is deemed a ministerial act.

23 4. Publication of the notice of sale in a newspaper of general
24 circulation in each county in which the trust property to be sold is
25 situated. The notice of sale shall be published at least once a week for
26 four consecutive weeks. The last date of publication shall not be less than
27 ten days prior to the date of sale. Publication is deemed completed on the
28 date of the first of the four publications of the notice of sale pursuant to
29 this paragraph.

30 B. The sale shall be held at the time and place designated in the
31 notice of sale on a day other than a Saturday or legal holiday between
32 9:00 a.m. and 5:00 p.m. mountain standard time at a specified place on the
33 trust property, at a specified place at any building that serves as a
34 location of the superior court or at a specified place at a place of business
35 of the trustee, in any county in which part of the trust property to be sold
36 is situated.

37 C. The notice of sale shall contain:

38 1. The date, time and place of the sale. The date, time and place
39 shall be set pursuant to section 33-807, subsection D. The date shall be no
40 sooner than the ninety-first day after the date that the notice of sale was
41 recorded.

42 2. The street address, if any, or identifiable location as well as the
43 legal description of the trust property.

1 _____, Arizona, on _____, _____, at _____
2 o'clock ____m. of said day:
3 (street address, if any, or identifiable
4 location of trust property)
5 (legal description of trust property)
6 Tax parcel number _____
7 Original principal balance \$ _____
8 Name and address of beneficiary _____
9 _____
10 _____
11 Name and address of original trustor _____
12 _____
13 _____
14 Name, address and telephone number of trustee _____
15 _____
16 _____
17 Signature of trustee _____
18 Manner of trustee qualification _____
19 Name of trustee's regulator _____
20 Dated this _____ day of _____, ____.

21 (Acknowledgement)
22 E. Any error or omission in the information required by subsection C
23 or D of this section, other than an error in the legal description of the
24 trust property or an error in the date, time or place of sale, shall not
25 invalidate a trustee's sale. Any error in the legal description of the trust
26 property shall not invalidate a trustee's sale if considered as a whole the
27 information provided is sufficient to identify the trust property being sold.
28 If there is an error or omission in the legal description so that the trust
29 property cannot be identified, or if there is an error in the date, time or
30 place of sale, the trustee shall record a cancellation of notice of sale.
31 The trustee or any person furnishing information to the trustee shall not be
32 subject to liability for any error or omission in the information required by
33 subsection C of this section except for the wilful and intentional failure to
34 provide such information. This subsection does not apply to claims made by
35 an insured under any policy of title insurance.
36 F. The notice of trustee sale may not be rerecorded for any reason.
37 This subsection does not prohibit the recording of a new or subsequent notice
38 of sale regarding the same property.

APPROVED BY THE GOVERNOR APRIL 2, 2015.
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 25, 2015,

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 March 3, 2015,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
30th day of March, 2015,

at 2:11 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 2nd day of

April, 2015,

at 10:57 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 2nd day of April, 2015,

at 4:00 o'clock P. M.

[Signature]
Secretary of State

S.B. 1448