



The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER _____

HOUSE BILL 324

Introduced by

REPRESENTATIVE BRIAN F. EGOLF AND SENATOR DANIEL A. IVEY-SOTO



POCKET VETOED

1 AN ACT
2 RELATING TO PUBLIC RECORDS; CHANGING THE REQUIREMENTS FOR
3 FILING AND RECORDING COPIES OF INSTRUMENTS OF WRITING.
4

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

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

8 "14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--
9 EXCEPTIONS--RECORDING OF COPIES.--

10 A. Any original instrument of writing duly
11 acknowledged may be filed and recorded. Any instrument of
12 writing not duly acknowledged may not be filed and recorded or
13 considered of record, though so entered, unless otherwise
14 provided in this section.

15 B. For purposes of this section, "acknowledged"
16 means notarized by a person empowered to perform notarial acts
17 pursuant to the Notary Public Act or the Uniform Law on
18 Notarial Acts.

19 C. The following documents need not be
20 acknowledged but may be filed and recorded:

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

23 (2) court-certified transcripts of any money
24 judgment obtained in a court of New Mexico or, pursuant to
25 Section 14-9-9 NMSA 1978, in the United States district court

1 for the district of New Mexico;

2 (3) land patents and land office receipts;

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

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

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

10 (7) surveys of land that do not create a
11 division of land but only show existing tracts of record when
12 filed by a professional surveyor pursuant to Section
13 61-23-28.2 NMSA 1978;

14 (8) certified copies of foreign wills,
15 marriages or birth certificates duly authenticated; and

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

20 D. If an original instrument of writing could be
21 filed and recorded in accordance with the provisions of this
22 section but is unavailable, a copy of that instrument shall be
23 accepted for filing and recording if an accompanying document
24 is presented that provides the name, phone number and mailing
25 address of the person filing and recording the copy; that

1 specifies the reason that the copy is being filed and recorded
2 in place of the original instrument; and that includes an
3 acknowledged statement by the person that the copy is a true
4 copy of the original instrument. The accompanying document
5 shall be filed and recorded for no additional fee as an
6 attachment to the copy.

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

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

S/ DON TRIPP
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES

S/ DENISE RAMONAS
DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO