## 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.

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

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

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

(2) court-certified transcripts of any money judgment obtained in a court of New Mexico or, pursuant to Section 14-9-9 NMSA 1978, in the United States district court HB 324 Page 1 for the district of New Mexico;

(3) land patents and land office receipts;

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

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

(6) notices of levy on real estate underexecution or writ of attachment when filed by a peace officerpursuant to Section 39-4-4 NMSA 1978;

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

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

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

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

HB 324 Page 2 specifies the reason that the copy is being filed and recorded in place of the original instrument; and that includes an acknowledged statement by the person that the copy is a true copy of the original instrument. The accompanying document shall be filed and recorded for no additional fee as an attachment to the copy.

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

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

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