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SENATE BILL 212

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Ron Griggs

AN ACT

RELATING TO PUBLIC RECORDS; CHANGING THE REQUIREMENTS FOR  
FILING AND RECORDING DUPLICATES 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 DUPLICATES.--

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. [~~A duplicate of an instrument of  
writing duly acknowledged may be filed and recorded to the same  
extent as the original.~~]

underscored material = new  
[bracketed material] = delete

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

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

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

9                   (2) court-certified transcripts of any money  
10 judgment obtained in a court of [~~this state~~] New Mexico or,  
11 pursuant to Section 14-9-9 NMSA 1978, in the United States  
12 district court for the district of New Mexico;

13                   (3) land patents and land office receipts;

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

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

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

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

25                   (8) certified copies of foreign wills,

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underscored material = new  
[bracketed material] = delete

1 marriages or birth certificates duly authenticated; and

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

6 D. If an original instrument of writing is  
7 unavailable but, if it were available, could be filed and  
8 recorded in accordance with this section, a duplicate of that  
9 instrument shall be accepted for filing and recording if, filed  
10 and recorded as an attachment to the duplicate, is an  
11 accompanying document that:

12 (1) provides the name, phone number and  
13 mailing address of the person filing and recording the  
14 duplicate;

15 (2) specifies the reason the duplicate is  
16 filed and recorded in place of the original instrument; and

17 (3) includes an acknowledged statement by the  
18 person that the duplicate is a true copy of the original  
19 instrument.

20 E. The filing of a duplicate instrument in  
21 accordance with Subsection D of this section shall not incur a  
22 fee in addition to the fee, if any, charged for filing an  
23 original instrument.

24 [~~D-~~] F. Any filing or recording permitted or  
25 required under the provisions of the Uniform Commercial Code

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~~[bracketed material] = delete~~

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need not comply with the requirements of this section.

~~[E.]~~ G. Instruments acknowledged on behalf of a corporation need not have the corporation's seal affixed thereto in order to be filed and recorded."