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AN ACT

RELATING TO RECORDING FEES; CLARIFYING THE USE OF COUNTY
CLERK RECORDING FEES.

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

Section 1. Section 14-8-16 NMSA 1978 (being Laws 1973,
Chapter 258, Section 150, as amended) is amended to read:

"14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF
REAL PROPERTY AUTHORIZED--RECORDING--FEES.--

A. A person owning real property that is subject
to property taxation under the Property Tax Code may file for
record in the office of the county clerk of the county where
the real property is located a legal description or a plat of
the real property. To be eligible for recording, the legal
description or plat shall be certified by a professional
surveyor licensed in the state.

B. The United States, the state or its political
subdivisions and any agency, department or instrumentality of
the United States, the state or its political subdivisions
may file for record in the office of the county clerk of the
county where the real property is located a legal description
or a plat of real property. To be eligible for recording,
the legal description or plat shall be certified by a
professional surveyor licensed in the state and shall show
the governmental agency, department or political subdivision

1 under whose supervision and direction the description or plat
2 was prepared.

3 C. The county clerk shall number descriptions
4 filed under this section consecutively and shall number plats
5 filed under this section consecutively. Immediately upon
6 receiving a description or plat for filing, the county clerk
7 shall note on the instrument the filing number and the time
8 of filing and shall make proper entries in the reception book
9 and in the index to general real estate records.

10 D. The county clerk shall record descriptions and
11 plats filed under this section in the same manner as other
12 similar instruments affecting real property are recorded.
13 The county clerk shall charge a fee of two dollars fifty
14 cents (\$2.50) for filing and recording each description or
15 plat. If the county clerk uses a post binder with
16 transparent protective pages for the protection of the plats,
17 the county clerk shall charge a fee of five dollars (\$5.00)
18 for filing and recording each unit of a plat that is eighteen
19 inches by twenty-four inches or part thereof.

20 E. For filing legal descriptions or plats of real
21 property, the county clerk may charge, in addition to any
22 other fees authorized by law, including the fee provided for
23 in Subsection D of this section, an equipment recording fee.
24 The equipment recording fee shall not exceed four dollars
25 (\$4.00) for each instrument or plat recorded.

1 F. Amounts collected from the equipment recording
2 fee shall be deposited into a county clerk recording and
3 filing fund, which shall be established by the county. Money
4 in the county clerk recording and filing fund shall be
5 expended only to rent, purchase, lease or lease-purchase
6 equipment or vehicles associated with recording, filing,
7 maintaining or reproducing documents in the county clerk's
8 office and for staff training on office procedures and
9 equipment.

10 G. The equipment recording fee and expenditures
11 from the county clerk recording and filing fund shall be
12 determined annually by the county clerk and approved by the
13 board of county commissioners.

14 H. All plats to be recorded pursuant to the
15 provisions of this section shall be filed in duplicate with
16 the county clerk. One copy shall be recorded by the county
17 clerk, and one copy shall be delivered by the county clerk to
18 the county assessor."

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