

INFORMATION FROM THE AZ PINAL COUNTY RECORDER'S OFFICE

How to Record a Deed and Sales Affidavit Information

Blank deed forms are available at office stores and at various websites. A couple of hints regarding a deed that is important to remember. Ensure your names are listed accurately on the document; the transferring names will need to be listed in the same manner as they were on the deed when the property was acquired. It is important to list the legal description accurately, also. The font used on the deed must be size 10 or larger and must be clear to comply with the legal requirements of recorded documents (ARS 11-480). This is to ensure the document can be read after it is permanently archived in the Recorder's Office, as required in the Arizona Statutes. The original deed document will need to be recorded in the county where the property is located.

If money has transferred hands an Affidavit of Property Value must be filled out per ARS 11-1133, signed and notarized and recorded with the deed. If no money transferred hands than an exemption number must be placed on the face of the Deed (ex: B-3). The exemption number reflects the absence of a market transaction for the transfer of property ownership. The exemption number options are listed on the back of the Affidavit of Property Value form. The forms are included with this document in the following pages.

You can also print the forms from the Recorder's home page on the Pinal County website or go to the AZ Dept of Revenue's website <http://www.azdor.gov/Forms/Property.aspx> to get the form or the exemption number. From there you are seeking form number 82162 Affidavit of Property Value. Review that document and the exempt codes to determine what to use, as applicable.

Important note: If you do not need to fill out the affidavit form, you must place an exemption number on the face of the deed: "Exempt per XXXXXX". This is usually listed on the upper portion of the document near the deed title. The recording cost for the deed without an affidavit will be \$14.00 for the first 5 pages and \$1.00 per page for each additional page.

The cost of recording the Deed *with* an Affidavit of Property Value filled out is \$16.00 for the first 5 pages of the deed document (the affidavit form is not included in this count) and \$1.00 per page for each additional page.

The document will be recorded the day it is received in the Recorder's Office and will be returned to the name indicated in the upper left corner of the document within 2 weeks after it is recorded.

The legal description of the property has to be correctly listed on the deed in order for the property to change the ownership listing. It is also essential for the name of the Grantor or Seller to have the name listed exactly as that person acquired title. The County Assessor's Office will transfer the ownership listing within 6 weeks after the documents are recorded-if all of the information on the deed is correct.

The deed can be mailed with a check to P.O. Box 848, Florence, AZ 85132 or hand carried to one of our offices: 575 No. Idaho Rd Ste 800 in Apache Junction, 820 E Cottonwood in Casa Grande or 31 No. Pinal Building E in Florence.

Additional information may be obtained from the Recorder's Customer Service Desk in Florence at 520-866-6830.

INSTRUCTIONS: AFFIDAVIT OF PROPERTY VALUE

Much of the form is self-explanatory. These instructions provide clarification for selected items. For further assistance, please contact the County Assessor, the County Recorder, the Department of Revenue, or an Arizona real estate professional.

- 1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(s)** - This ID # can be obtained from the County Assessor. Naturally, if the sale consists of one parcel, it should be entered as the Primary Parcel. If the sale includes more than one parcel, the one that most influenced the sale should be listed as the **Primary Parcel**, with the additional parcels listed in the spaces provided. However, no more than four additional parcels should be entered.
- 3b. RELATED BUYER AND SELLER?** - Please indicate if the buyer and seller are related persons or related business entities. **Examples:** 1) A sale between parent and child, 2) A sale between a parent corporation and its subsidiary, 3) A sale between an individual and a business owned by that individual.
- 4. ADDRESS OF PROPERTY** - The property's street address and city. If the property does not have a street address, provide a brief description of its location.
- 5. MAIL TAX BILL TO** - Name and address where the tax bill can be mailed. Include city, state and zip.
- 6. PROPERTY TYPE (for Primary Parcel)** – The key is to answer this basic question. What type of property was purchased for the Sale Price in Item 11? If there is more than one use, check only that use which is most predominant. If the sale includes more than one parcel, check only the predominant use of the **Primary Parcel**. **Note:** Do not use **Box F** for a sale of vacant land.
- 10. TYPE OF DEED OR INSTRUMENT** - Check only one box. If "**Other**", briefly describe.
- 11. SALE PRICE** - The amount agreed upon by the seller and the buyer. Costs associated with the sale, such as sales commissions and closing costs, should not be added to or deducted from the sale price.
- 12. DATE OF SALE** - Enter a **two-digit month** and a **two-digit year**. **Note:** This should be the date of the sale agreement, i.e. the date on which the sale was agreed upon by the seller and the buyer.
- 14. METHOD OF FINANCING** – If you check **Box A**, do not check any other box. **Box B** pertains to a transaction by means of barter, which is a trade by exchanging one item for another.
- 15. PERSONAL PROPERTY** - A definition of personal property is on the reverse side of the form. If the answer to **Part A** is **Yes**, enter the dollar amount in **Part B** and give a brief description. If necessary, provide an approximate estimate in Part B.
- 16. PARTIAL INTEREST** – A partial interest is less complete than a fee simple interest. **Examples:** water rights only; a timeshare; a leasehold estate (tenant's interest); a percentage interest (e.g. 25%).
- 18. LEGAL DESCRIPTION** - Enter the complete legal description, as stated on the deed. Additional pages may be attached if necessary.

IMPORTANT: SIGNATURES and NOTARIZATIONS - The affidavit must be signed by both the seller and the buyer, or their agents. The affidavit must be notarized.

AFFIDAVIT OF PROPERTY VALUE

1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)
 Primary Parcel: _____ - _____ - _____ - _____
BOOK MAP PARCEL SPLIT LETTER

Does this sale include any parcels that are being split / divided?
 Check one: Yes No

How many parcels, other than the Primary Parcel, are included in this sale? _____

Please list the additional parcels below (no more than four):
 (1) _____ (3) _____
 (2) _____ (4) _____

9. FOR OFFICIAL USE ONLY: Buyer and Seller leave blank

(a) County of Recordation: _____
 (b) Docket & Page Number: _____
 (c) Date of Recording: _____
 (d) Fee / Recording Number: _____

Validation Codes:
 (e) ASSESSOR _____ (f) DOR _____

ASSESSOR'S USE ONLY

Verify Primary Parcel in Item 1: _____ - _____ - _____ - _____

Use Code: _____ Full Cash Value: \$ _____

2. SELLER'S NAME AND ADDRESS:

3. (a) BUYER'S NAME AND ADDRESS:

(b) Are the Buyer and Seller related? Yes No
 If Yes, state relationship: _____

4. ADDRESS OF PROPERTY:

5. MAIL TAX BILL TO:

6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box

a. Vacant Land	f. Commercial or Industrial Use
b. Single Family Residence	g. Agricultural
c. Condo or Townhouse	h. Mobile or Manufactured Home
d. 2-4 Plex	i. Other Use; Specify: _____
e. Apartment Building	

7. RESIDENTIAL BUYER'S USE: If you checked **b, c, d** or **h** in Item 6 above, please check **one** of the following:

To be occupied by owner or "family member." **To be rented to someone other than "family member."**

See reverse side for definition of a "family member."

8. NUMBER OF UNITS:

For Apartment Properties, Motels, Hotels, Mobile Home Parks, RV Parks, Mini-Storage Properties, etc.

10. TYPE OF DEED OR INSTRUMENT (Check Only One Box):

a. Warranty Deed	d. Contract or Agreement
b. Special Warranty Deed	e. Quit Claim Deed
c. Joint Tenancy Deed	f. Other: _____

11. SALE PRICE: \$ **00**

12. DATE OF SALE (Numeric Digits): _____
Month Year
 (For example: 03 / 05 for March 2005)

13. DOWN PAYMENT: \$ **00**

14. METHOD OF FINANCING:

a. Cash (100% of Sale Price)	e. New loan(s) from financial institution:
b. Exchange or trade	(1) Conventional
c. Assumption of existing loan(s)	(2) VA
d. Seller Loan (Carryback)	(3) FHA
	f. Other financing; Specify: _____

15. PERSONAL PROPERTY (see reverse side for definition):

(a) Did the Sale Price in Item #11 include Personal Property that impacted the Sale Price by 5% or more? Yes No

(b) If Yes, provide the dollar amount of the Personal Property:
 \$ **00** **AND**
 briefly describe the Personal Property: _____

16. PARTIAL INTEREST: If only a partial ownership interest is being sold, briefly describe the partial interest: _____

17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone):

 Phone _____

18. LEGAL DESCRIPTION (attach copy if necessary):

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller/Agent _____
 State of _____, County of _____
 Subscribed and sworn to before me on this _____ day of _____ 20____
 Notary Public _____
 Notary Expiration Date _____

Signature of Buyer/Agent _____
 State of _____, County of _____
 Subscribed and sworn to before me on this _____ day of _____ 20____
 Notary Public _____
 Notary Expiration Date _____

STATUTES AND EXEMPTIONS

A.R.S. §§ 11-1133 and 11-1137(B) require all buyers and sellers of real property or their agents to complete and attest to this Affidavit. Failure to do so constitutes a class 2 misdemeanor and is punishable by law.

The County Assessors and the Department of Revenue use data obtained from the affidavits to develop tables and schedules for the uniform valuation of properties based on fair market value. Data supplied for an individual property will not directly affect the assessment or taxes of that property.

A.R.S. § 11-1134 exempts certain transfers from completion of the Affidavit of Property Value and the \$2.00 filing fee. See the list of exemption codes below. If the transfer meets the criteria for an exemption, do not complete the Affidavit. Instead, please post the Statute Number and Exemption Code on the face of the Deed, in the area beneath the Legal Description. For example, if Exemption Code **B3** is applicable, the proper exemption notation would be A.R.S. 11-1134 **B3**.

Unless exempt, carefully complete the Affidavit, sign, notarize and submit it to the County Recorder.

LIST OF EXEMPTION CODES (A.R.S. § 11-1134)

- A1.** A deed that represents the payment in full or forfeiture of a recorded contract for the sale of real property.
- A2.** A lease or easement on real property, regardless of the length of the term.
- A3.** Sales to or from government: "A deed, patent or contract for the sale or transfer of real property in which an agency or representative of the United States, this state, a county, city or town of this state or any political subdivision of this state is the named grantor, and authorized seller, or purchaser."
- A4.** A quitclaim deed to quiet title as described in A.R.S. § 12-1103, subsection B.
- A5.** A conveyance of real property that is executed pursuant to a court order.
- A6.** A deed to an unpatented mining claim.
- A7.** A deed of gift.

- B1.** A transfer solely in order to provide or release security for a debt or obligation, including a trustee's deed pursuant to power of sale under a deed of trust.
- B2.** A transfer that confirms or corrects a deed that was previously recorded.
- B3.** A transfer between husband and wife, or parent and child with only nominal actual consideration for the transfer.
- B4.** A transfer of title on a sale for delinquent taxes or assessments.
- B5.** A transfer of title on partition.
- B6.** A transfer of title pursuant to a merger of corporations.
- B7.** A transfer by a subsidiary corporation to its parent corporation for no consideration or nominal consideration or in sole consideration for canceling or surrendering the subsidiary's stock.
- B8.** A transfer from a person to a trustee or from a trustee to a trust beneficiary with only nominal consideration for the transfer.
- B9.** A transfer of title to and from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership.
- B10.** A transfer from a husband and wife or one of them to both husband and wife to create an estate in community property with right of survivorship.
- B11.** A transfer from two or more persons to themselves to create an estate in joint tenancy with right of survivorship.
- B12.** A transfer pursuant to a beneficiary deed with only nominal actual consideration for the transfer.

Any instrument describing a transaction exempted by **A.R.S. § 11-1134** shall bear a notation thereof on the face of the instrument at the time of recording, indicating the specific exemption that is claimed.

DEFINITION OF FAMILY MEMBER

A.R.S. § 42-12053 provides that a property be classified as rental residential if the owner intends to rent it for more than three months during the next twelve consecutive months to someone other than a family member. "Family member" is defined as:

- a. A natural or adopted son or daughter of the taxpayer or a descendent of either.
- b. The father or mother of the taxpayer or an ancestor of either.
- c. A stepson or stepdaughter or stepparent of the taxpayer.
- d. A son-in-law, daughter-in-law, father-in-law, or mother-in-law of the taxpayer.
- e. A natural or adopted sibling of the taxpayer.

DEFINITION OF PERSONAL PROPERTY

Personal Property is all other property that is not Real Property. In general, it is all property other than land, buildings and other permanent structures. Personal Property can be tangible or intangible. Examples of tangible personal property are furniture, equipment and inventory. Examples in the intangible category are franchises, business licenses, goodwill, and corporate stocks and bonds.