

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 of residential property between family members as defined below 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 between related business entities for no consideration or nominal consideration.
- 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.
- B13.** From an owner to itself or a related entity for no or nominal consideration solely for the purpose of consolidating or splitting parcels.
- B14.** Due to legal name change.

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 PRIMARY AND SECONDARY RESIDENCE

A **Primary Residence** is a residential property that is used by the owner or owners as their principal or usual place of residence, or occupied by a qualified family member of the owner, as defined below, and used as the qualified family member's usual and principal residence. A **Non-Primary or Secondary Residence** is a second home that is not your primary residence; or is unoccupied, or owned by a financial institution. If you have a homestead exemption for a home in another state, the listed home cannot qualify as a primary residence.

DEFINITION OF QUALIFIED FAMILY MEMBER

A "Qualified 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.