

State of New Mexico Residential Real Property Declaration Affidavit

Title Company: _____ File Number: _____																													
<u>Transferor(s) / Seller(s) Full Name(s) and Mailing Address(s)</u> Name: _____ Address: _____ City: _____ State: _____ Zip Code: _____	<u>Transferee(s) / Buyer(s) Full Name(s) and Mailing Address(s)</u> Name: _____ Address: _____ City: _____ State: _____ Zip Code: _____																												
<u>Physical Location of the Property:</u> Assessor's Account #: _____ Physical Address : _____ City/Town/Village/Zip : _____ Legal Description (may attach deed or instrument of conveyance): _____ _____ _____	<u>Consideration/Sales Information:</u> Date of Sale: _____ Total Sales Price: _____ Value of Personal Property: _____ Description of Personal Property : _____ Type of Financing**: _____ Down Payment : _____ Interest Rate : _____ Number of years financed: _____																												
Was this an arm's length transaction?: Yes: <input type="checkbox"/> No: <input type="checkbox"/> Are the buyer and seller related?: Yes: <input type="checkbox"/> No: <input type="checkbox"/>																													
If this affidavit is not required under section 7-38-21.1 D (see back of form, enter exception number): _____																													
<u>Structure Type and Description:</u> (please check one) Single Family Residence: <input type="checkbox"/> Condominium Unit: <input type="checkbox"/> Manufactured Home (Perm. Foundation): <input type="checkbox"/> Multi-Family Apartments: <input type="checkbox"/> Mobile Home: <input type="checkbox"/> Vacant Land: <input type="checkbox"/> Duplex/Quad: <input type="checkbox"/> Commercial/Industrial: <input type="checkbox"/> <input type="checkbox"/> Other: (Brief explanation): _____ _____	<u>Optional Information:</u> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 10%; text-align: center;">Total Rooms</th> <th style="width: 10%; text-align: center;">Beds</th> <th style="width: 10%; text-align: center;">Baths</th> </tr> </thead> <tbody> <tr> <td>Room Count</td> <td style="border: 1px solid black; width: 20px;"></td> <td style="border: 1px solid black; width: 20px;"></td> <td style="border: 1px solid black; width: 20px;"></td> </tr> <tr> <td>Living Area Sqft.</td> <td colspan="3">_____</td> </tr> <tr> <td>Year Built</td> <td colspan="3">_____</td> </tr> <tr> <td>Garage</td> <td>Detached: <input type="checkbox"/></td> <td colspan="2">Attached: <input type="checkbox"/></td> </tr> <tr> <td>Carport</td> <td>Detached: <input type="checkbox"/></td> <td colspan="2">Attached: <input type="checkbox"/></td> </tr> <tr> <td>Swimming Pool</td> <td>Yes <input type="checkbox"/></td> <td colspan="2">No <input type="checkbox"/></td> </tr> </tbody> </table>		Total Rooms	Beds	Baths	Room Count				Living Area Sqft.	_____			Year Built	_____			Garage	Detached: <input type="checkbox"/>	Attached: <input type="checkbox"/>		Carport	Detached: <input type="checkbox"/>	Attached: <input type="checkbox"/>		Swimming Pool	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
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Signature of (please check one): Seller: <input type="checkbox"/> Buyer: <input type="checkbox"/> Authorized Agent: <input type="checkbox"/> Signature: _____ Date Signed: _____ Print Name of Signatory: _____																													
Acknowledgement of Individual or in Representative Capacity State of _____ County of _____ Signed and sworn to (or affirmed) before me this day of _____ 20____ by _____ Name of affiant (or Representative if applicable)																													
_____ Notary Public: My Commission Expires: _____																													

* Located on the Notice of Value/Tax Bill owner receives from Assessor/Treasurer, can be obtained from Assessors office

** Financing examples on back

7-38-12.1. PROPERTY TRANSFERS—AFFIDAVIT TO BE FILED WITH ASSESSOR. (2003)

- A. After January 1, 2004, a person presenting a deed, real estate contract or memorandum or real estate contract for recording with a county clerk shall also file with the county assessor within thirty days of the date of filing with the county clerk and affidavit signed and completed in accordance with the provisions of Subsection B of this section.
- B. The affidavit required for submission shall be in a form developed by the property tax division and signed by the transferors or their authorized agents or the transferees or their authorized agents of any interest in real property transferred by deed or real estate contract. The affidavit shall contain at least the following information to be used only for analytical and statistical purposes in the application of appraisal methods:
- (1) the complete names of all transferors and transferees;
 - (2) the current mailing addresses of all transferors and transferees;
 - (3) the legal description of the real property interest transferred as it appear in the document of transfer;
 - (4) the full consideration, including money or any other thing of value, paid or exchanged for the transfer; and
 - (5) the value and description of personal property that is included in the sale price.
- C. Upon receipt of the affidavit required by Subsection A of this section, the county assessor shall place the date of receipt on the original affidavit and on a copy of the affidavit. The county assessor shall retain the original affidavit as a confidential record and as proof of compliance and shall return the copy marked with the date of receipt to the person presenting the affidavit. The assessor shall index the affidavits in a manner that permits cross-referencing to other records in the assessor's office pertaining to the specific property described in the affidavit. The affidavit and its contents are not part of the valuation record of the assessor.
- D. The affidavit required by Subsection A of this section shall not be required for:
- (1) a deed transferring nonresidential property;
 - (2) a deed that results from the payment in full or forfeiture by a transferee under a recorded real estate contract or recorded memorandum of real estate contract;
 - (3) a lease of or easement on real property, regardless of the length of term;
 - (4) a deed, patent or contract for sale or transfer of real property in which an agency or representative of the United States, New Mexico or any political subdivision of the state is named grantor or grantee and authorized transferor or transferee;
 - (5) a quitclaim deed to quiet title or clear boundary disputes;
 - (6) a conveyance of real property executed pursuant to court order;
 - (7) a deed to an unpatented mining claim;
 - (8) an instrument solely to provide or release security for a debt or obligation;
 - (9) an instrument that confirms or corrects a deed previously recorded;
 - (10) an instrument between husband and wife or parent and child with only nominal actual consideration therefore;
 - (11) an instrument arising out of a sale for delinquent taxes or assessments;
 - (12) an instrument accomplishing a court-ordered partition;
 - (13) an instrument arising out of a merger or incorporation;
 - (14) an instrument by subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of the cancellation or surrender of the subsidiary's stock;
 - (15) an instrument from a person to a trustee or from a trustee to a trust beneficiary with only nominal actual consideration therefore;
 - (16) an instrument to or from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership; or
 - (17) an instrument delivered to establish a gift or a distribution from an estate or a decedent or trust.
- E. The affidavit required by Subsection A of this section shall not be construed to be a valuation record pursuant to Section 7-38-19 NMSA 1978.
- F. Prior to November 1, 2003, the department shall print and distribute to each county assessor affidavit forms for distribution to the public upon request.
(laws 2003, Chapter 118, Section 2)

7-38-12.2 Penalties (2003)

- A. A person who intentionally refuses to make a required report within the time period specified under the provisions of Section 7-38-12.1 NMSA 1978 or who knowingly makes a false statement on an affidavit required under the provisions of Section 7-38-12.1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by the imposition of a fine of not more than one thousand dollars (\$1,000).
- B. The secretary, any employee or any former employee of the department or any other person subject to the provisions of Section 7-38-12.1 NMSA 1978 who willfully releases information in violation of that section, except as provided in Section 7-38-4 NMSA 1978 or as part of a protest proceeding as defined in Section 7-38-24 NMSA 1978, is guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000).

**** Examples of Types of Sales or Financing:**

Assumption (of existing loan) Federal Housing Administration
Cash Federal National Mortgage Association
Cash to Loan Owner Finance
Conventional Loan Real Estate Contract
Farmers Home Administration Veterans Administration